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Chairman: Mr. Mochochoko ..... (Lesotho)

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The meeting was called to order at 10.25 a.m.

Agenda item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/54/33, A/54/363 and A/54/383)

1. **Mr. Obeid** (Syrian Arab Republic) said that the imposition of sanctions was becoming a habit, although it was a means which should be resorted to only when there had been a blatant violation of the Charter of the United Nations and of international law and there was a clear threat to international peace and security. It was also necessary to exhaust all other peaceful means under Chapter VI of the Charter. The population of the State against which sanctions were imposed was usually the main victim; it must be ensured that sanctions were not imposed on certain States but not on other States which had committed the same or even worse acts. On many occasions sanctions failed to achieve the objectives which were sought, and led to hunger, poverty and economic destruction, not to mention the negative economic and social consequences for third States.

2. The Security Council should consider the short and long-term consequences of sanctions, the purpose of which was not to punish but to change the conduct of a State which posed a threat to international peace and security. Furthermore, it must be made clear that the sanctions would be lifted if the targeted State modified its conduct. Sanctions should be imposed for a pre-determined period of time and must be lifted as soon as the threat to international peace and security disappeared and the State reverted to carrying out its obligations.

3. Article 31 of the Charter should be implemented alongside Article 50, so that any Member of the United Nations which was not a member of the Security Council could participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considered that the interests of that Member were specially affected. In that respect, his delegation reiterated its support for the Durban Declaration of the Movement of Non-Aligned Countries, in which the Heads of State and Government had expressed grave concern about the conditions envisaged for the imposition and lifting of sanctions, and had expressed support for the establishment of a fund for the relief of third States adversely affected by sanctions imposed by the United Nations. The working paper entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation", submitted by the Russian Federation, was of great importance, as was the working paper submitted by the Russian Federation and Belarus, which referred to principle of State sovereignty; that sovereignty must no violated unless justified under the Charter of the Un Nations and international law, and with the authorizatio the Security Council. The International Court of Jus needed to provide guidance on the legal consequences of use of force by States or groups of States and their adop of coercive measures of a military or economic na without consulting the Security Council, since that viola Article 53 of the Charter and was not in keeping with legitimate right to self-defence envisaged in Article 51.

4. The working papers entitled "Strengthening of the of the Organization and enhancing its effectivene submitted by Cuba, were also very important; those work papers were concerned with the process of restructuring democratization of the Organization, particularly transparency and effectiveness of the Security Council. delegation also supported the revised proposal presented the Libyan Arab Jamahiriya with a view to strengthening role of the United Nations in the maintenance international peace and security.

5. There was no need to abolish the Trusteeship Coun since its mandate had not yet come to an end, and that wo involved making major amendments to the Char However, there was a need to strengthen the Internatio Court of Justice and to provide it with the necessary hum and material resources to enable it to consider all the ca submitted to it without delay, in view of its ever-increas workload.

6. The efforts made by the Secretary-General and Secretariat to prepare the *Repertory of Practice of Uni Nations Organs* and the *Repertoire of the Practice of Security Council* were commendable. However, delegation wished to point out that preference had be given to the English, French and Spanish versions, to detriment of the other official languages, which were equa important.

7. One representative had complained to the Committ which was not competent in that respect, that his country h not been accepted in a certain regional group. He recal that in order to join a given geographical group, a num of conditions must be met, such as being a peace-lov State, which was not the case of the country in question.

8. **Mr. Akinsanya** (Nigeria) said that sanctions, wh were an extreme measure, should be utilized with caut and only when all other means of peaceful settlement disputes had been exhausted. Furthermore, concrete go should be pursued, with a view to terminating the sancti as soon as those goals were achieved. A distinction must

drawn between sanctions based on the Charter of the United Nations and sanctions imposed unilaterally. Under Article 41 of the Charter, the Security Council could decide what measures not involving the use of armed force, including sanctions, were to be employed to give effect to its decisions. In accordance with Article 25 of the Charter, Members of the United Nations agreed to carry out the decisions of the Security Council. His delegation therefore preferred Charter-based sanctions, since they had international legitimacy, while unilateral sanctions were frequently rationalized on the basis of the exercise of the rights of sovereignty, namely, the right of a sovereign State to determine the mode of its relations with another sovereign State. Unilateral sanctions did not promote cohesion and stability in the international system.

9. With regard to the issue of assistance to third States affected by the application of sanctions, Article 50 of the Charter of the United Nations provided that if preventive or enforcement measures against any State were taken by the Security Council, any other State, whether a Member of the United Nations or not, which found itself confronted with special economic problems arising from the carrying out of those measures would have the right to consult the Security Council with regard to a solution of those problems. In the light of that article, it was obvious that third States affected by sanctions imposed on another State had the right to obtain relief. In essence, the right of affected third States to consult the Security Council entailed a search for ways and means of mitigating the effects of the sanctions. Nigeria, along with the majority of the States Members of the United Nations and the international organizations, therefore had difficulty accepting an interpretation of Article 50 which held that affected third States had no right to obtain relief.

10. It was not enough to lend assistance to third States affected by sanctions imposed on another State or States. An effective methodology for assessing the impact of such sanctions on each of the third States affected should be developed, and the type of relief to be extended should also be determined in order to avoid a waste of time and resources. Different ideas had been put forward as to the method of impact assessment to be applied: (a) the Security Council should request an advance assessment of the potential effect of sanctions on both the target State and third States before sanctions were imposed; (b) the Secretariat should monitor the effects of sanctions on third States; (c) the affected third States should be involved in impact assessment, since they were in the best position to determine the type of assistance they required; (d) the sanctions committees established by the Security Council should listen to the views of representatives of the affected States and conduct research on the economic, social and political effects of sanctions upon those States; (e) the Secretariat should provide technical assistance to the affected third States in the preparation of explanatory materials to be attached to their requests for consultation with the Security Council; and (f) in exceptional circumstances, the Secretary-General might send a special representative or a fact-finding mission to carry out impact assessments.

11. His delegation urged the sanctions committees to apply those suggestions on a case-by-case basis. As the primary organ of the United Nations responsible for the maintenance of international peace and security, the Security Council should utilize its sanctions committees for the effective assessment of the adverse consequences of sanctions on third States.

12. He noted with satisfaction the positive response of international organizations and the specialized agencies to the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions. Among those organizations were the World Health Organization (WHO), which had discussed the adverse consequences of sanctions on health, and the Food and Agriculture Organization of the United Nations (FAO), which had discussed the adverse consequences on food security. Those examples showed that the international community was committed to rendering assistance to third States adversely affected by the application of sanctions. His delegation agreed with the views expressed in the report of the ad hoc expert group meeting that financial assistance might need to be supplemented by non-financial trade promotion measures, such as granting of special trade preferences, adjustment of tariffs, allocation of quotas and the like. Nigeria was willing to contribute its share to mitigating the sufferings of such affected third States, as it had done in the case of the frontline States during the imposition of sanctions on South Africa.

13. In keeping with the provisions of Article 33 of the Charter of the United Nations, States could choose from a wide variety of mechanisms for peaceful settlement of disputes. Nigeria recognized the pivotal role played by the International Court of Justice, which should be strengthened since it was labouring under an increased workload with insufficient resources. While the Court was to be commended for its efforts to rationalize the Registry and streamline its work procedures, those measures should be complemented by an increase in budget allocation, which had been given favourable consideration by the Advisory Committee on Administrative and Budgetary Questions.

14. With regard to the report on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (*/.'54/363), which were very useful as sources of information and for research purposes, his delegation supported the efforts of the Secretary-General to reduce the backlog in the publication of those documents. Nigeria welcomed the proposal for the establishment of a trust fund for voluntary contributions to facilitate the regular publication of the documents and would contribute to such a fund. It also welcomed the proposal for the establishment of a training programme for junior professionals interested in acquiring in-depth knowledge of the Charter of the United Nations and the practice of the Security Council. It was to be hoped that when the proposal materialized, preference would be given to professionals from developing countries.

15. His delegation supported the view that the Trusteeship Council should be reconstituted and assume new functions, without, however, encroaching upon the functions of other bodies. The Special Committee on the Charter of the United Nations should undertake a comprehensive study of the new areas to be dealt with by the Council.

16. It was to be hoped that the Special Committee, which had made a valuable contribution to the strengthening of the Organization, would come to terms with the well-intentioned criticisms directed at its working methods by some Member States with the aim of increasing its efficiency. His delegation urged Member States to cooperate with the Special Committee in view of the importance and complexity of the issues within its purview.

17. **Mr. Kuindwa** (Kenya) said that Kenya had always contributed to efforts for the peaceful settlement of conflicts in its subregion, which included the Great Lakes region, Somalia, the Sudan, Eritrea and Ethiopia. While the Security Council had the primary responsibility for maintaining international peace and security, the efforts of individual States and regional bodies in that area should be supported.

18. The region in which Kenya was located had witnessed frequent and indiscriminate conflicts and had had experience with the issue of sanctions. Kenya and other countries had imposed sanctions on a country with which they had maintained strong economic links, and had suffered the ensuing economic, psychological and political consequences. Kenya was therefore convinced that sanctions should be imposed only after all other means of peaceful dispute settlement had been exhausted. Sanctions must be targeted and short term, and must be lifted immediately once their purpose had been achieved. They must not be prolonged for any reason other than those for which they had originally been imposed, and the mitigation of their consequences for third States must be seriously addressed, in line with Article 50 of the Charter.

19. Kenya appreciated the work carried out by the International Court of Justice, which could perform its mandate successfully only if it received the necessary support. In view of the recent increase in the Court's workload, the favourable consideration of its budgetary requests by the Advisory Committee on Administrative and Budgetary Questions and by the Fifth Committee was encouraging. That would enable the Court to settle the matters before it more expeditiously. Meanwhile, the Trusteeship Council should be given a relevant and workable mandate, without prejudice to the Charter of the United Nations or to the functions of other United Nations organs.

20. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization carried out a vital function. Kenya would like that Committee to continue to address the legal issues arising from the reform of the United Nations. Its work must be coordinated with that of other United Nations bodies.

21. **Mr. Adamhar** (Indonesia) said that an effective multilateral organization such as the United Nations was more necessary than ever for laying a solid foundation for lasting peace, common progress and sustainable development. To that end, the Organization should reflect a democratic spirit of equality, equity and transparency in representation and in the decision-making process. It was therefore imperative that the comity of nations should continue the process of review and revitalization to enable the United Nations to adapt to the evolving realities of international life and to strengthen its role as the focal point for efforts to address critical contemporary issues.

22. From the outset, Indonesia and other members of the Movement of Non-Aligned Countries had reiterated the importance of providing, in line with the Charter, assistance to third States, particularly developing ones, that were affected by the imposition of sanctions on another State. In recent years, the prolonged enforcement of sanctions regimes had not been accompanied by the thorough consideration of their problematic short- and long-term effects on the targeted countries, especially on vulnerable sectors of society, and on neighbouring countries and trading partners. The time-frame, objectives and scope of sanctions should be clearly defined before sanctions were imposed. It was also necessary to take concrete actions, under Article 50 of the Charter, to alleviate the hardships endured by third States; one possibility would be to establish a mechanism such as a fund to assist States affected by sanctions.

23. Relevant in that regard were the report of the Secretary-General (A/53/312), which concerned a possible methodology for assessing the potential effects of sanctions on third States, and document A/54/383, which acknowledged the need to implement the provisions of Article 50 of the Charter in relation to third States that were adversely affected by the imposition of sanctions. He hoped that the latter document would be given particular attention at the next session of the Special Committee.

24. Document A/AC.182/L.100 stressed the importance of excluding the delivery of humanitarian and medical supplies from the sanctions regime and of upholding the principles of impartiality and non-discrimination in the distribution of such supplies.

25. Document A/AC.182/L.89/Add.2 and Corr.1 reaffirmed the importance of the Charter as the basis for peacekeeping operations, and contained many of the guiding principles supported by the Movement of Non-Aligned Countries.

26. In relation to document A/AC.182/L.93/Add.1, Indonesia had consistently maintained that the General Assembly's role as a forum for deliberation, negotiation and decision-making should be strengthened, as should the role of the United Nations in maintaining international peace and security. Indonesia therefore welcomed the proposal on the establishment of a dispute prevention and early settlement service.

27. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue its work in a spirit of cooperation and harmony. The submission of proposals prior to the sessions would facilitate their in-depth study by Member States and would be cost-effective in the light of the Organization's limited resources. Another useful suggestion was the preparation of short-, medium- and long-term programmes, in line with the working methods of the International Law Commission. The convening of the Special Committee's meetings in early spring facilitated the effective participation of delegations. The Special Committee should be enabled to realize its full potential so that it could contribute to the improvement of the Organization.

28. **Mr. Obou** (Côte d'Ivoire) said that the many harmful consequences of sanctions for third countries were a constant problem that could not be ignored. The conclusions reached by the group of experts referred to in the report of the Secretary-General (A/53/312) revealed two objectives which, while apparently different, were actually complementary: on the one hand, to define a set of consistent, practical and agreed principles and methods for mitigating the harmful effects of coercive measures and, on the other, to apply preventive measures as an alternative to the legitimate use of force by the international community. The underlying idea was to rationalize the conditions in which sanctions could be imposed (exclusion of unilateral sanctions, preservation of the nature of sanctions as a last resort) and to limit their content and duration (advance assessment of their impact, evaluation of their effects on the target State and on third States, modulation of sanctions or of methods for imposing them, equitable burden-sharing and prohibition of open-ended sanctions).

29. He supported the principles, methods and values defined by the group of experts, but had some questions on issues which, while apparently subsidiary, could compromise the measures decided upon and thwart the efforts of the international community. First, he asked whether the imposition of coercive measures would depend on the principle of advance assessment of the impact of the sanctions to be imposed. If so, he wondered what would be done in emergency situations and whether provision would be made for derogating from ordinary law when necessary, or whether the international community would be bound exclusively by the outcome of the impact assessment. Second, considering that coercive action was valid only if it served to bring a State into line with the relevant standards, he asked whether the technique of sanctions could be used indefinitely against a recalcitrant State without affecting the humanitarian principles which had inspired their imposition. He wondered whether the intransigence or refusal of the target State would increase the risk of a violent or disproportionate response in the short or medium term. Lastly, he asked whether an appropriate methodology should be devised for drawing a clearer distinction between normal and exceptional crisis situations or whether a set of indicators should be developed for modulating the severity of sanctions according to the prevailing circumstances.

30. Côte d'Ivoire attached great importance to the establishment of the dispute prevention and early settlement service proposed by Sierra Leone. If they were to be useful, those mechanisms must take into account the specific features of the cultures and traditions of the parties to the conflict, and the international community must recognize the primacy of law. To that end, regional mechanisms must be established or given new responsibilities in that area and must be provided with the necessary financial and human resources. Although there was no magic formula for achieving lasting peace in the world, the progressive inculcation of a culture of peace in the conscience of States and of individuals would be useful, as would efforts to

promote the establishment of States governed by the rule of law, as an additional means of resolving crises.

31. **Ms. Efrat-Smilg** (Israel), speaking in exercise of the right of reply, referred to the last paragraph of the statement of the representative of the Syrian Arab Republic. Israel agreed that it should be subject to the same rules as those applied to other States Members of the United Nations, including the Syrian Arab Republic, for participating in the work of relevant regional groups. Unfortunately, in her country's case, that procedure had not been followed. The denial of Israel's rights by the members of the regional group concerned was not consistent with the provisions of Article 2, paragraph 1, of the Charter that established the principle of the sovereign equality of all its Members. She once again reiterated Israel's full compliance with the Charter of the United Nations and with all its provisions.

32. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, reaffirmed that the Syrian Arab Republic was a peace-loving State and that membership of a regional group was based on principles that were applicable to all. His country was one of the founding Members of the United Nations and did not occupy by force the territory of other States. His delegation did not believe that Israel was a peace-loving State, since it occupied by force the territories of other States and neither respected the Charter of the United Nations nor the Organization's decisions. The representative of Israel had mentioned Article 2, paragraph 1, of the Charter. He wished to recall that it was inconsistent with the provisions of the Charter to occupy by force the territory of another State.

33. **Ms. Efrat-Smilg** (Israel), speaking in exercise of the right of reply, said that the Sixth Committee was not the appropriate forum for discussing the situation in the Middle East. She had welcomed the statement that the Syrian Arab Republic was a peace-loving State. In that regard, she reiterated her Government's call to the Governments of Lebanon and the Syrian Arab Republic to resume negotiations with Israel in order to resolve all the pending issues within an appropriate framework. It was unfortunate that prospects of achieving peace and security along the border between Israel and Lebanon was being sabotaged by the Syrian Arab Republic, which was in fact preventing the implementation of Security Council resolution 425 (1978) in order to achieve its own objectives of territorial expansion. She wished to stress, once again, that her country desired peace with all its neighbours and was looking towards the future, not towards the past.

34. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the statement that his country was opposed to peace was untrue. There was a Security Council resolution that called upon Israel to withdraw its forces from all occupied Lebanese territory without delay. The Sixth Committee was not the appropriate forum for considering the issue. His delegation wished to resume negotiations from the point where they had been broken off, and not to start all over again, cancelling all previous agreements. It was a matter of international credibility and legality. It was not his country that was creating obstacles.

35. **The Chairman** announced that the Sixth Committee had concluded its consideration of agenda item 159 entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Agenda item 154: United Nations Decade of International Law (*continued*) (A/54/98, A/54/362 and A/54/381)

36. **Mr. Büchli** (Netherlands), speaking on behalf of the Russian Federation, introduced the report on the conclusions of the Centennial of the first International Peace Conference held in 1899 (A/54/381) that had ushered in a new era in international relations: the era of the international rule of law and multilateral diplomacy.

37. The new "roaming conferences" format, which had been used in the Centennial debates, had proved to be very effective and transparent. All participants had had access to the same documents on the Internet and had had a veritable virtual conference room for their debates. Moreover, participation had been open to all interested parties, and not to government delegates only. The clarity of points of view that had been expressed during the Centennial debates could be largely attributed to that open conferencing model, which could be recommended for future use.

38. The keynote speeches had stressed the need to shift the focus away from the current reactive interpretation of law and diplomacy towards a more preventive interpretation, while at the same time respecting the rights of all the parties involved. The legal experts who had participated in the debates had been urged to study the possibility of adopting such preventive international actions. Such a study should be conducted within the context of a global and open debate at expert level like the one that had been held within the context of the celebration of the Centennial of the First International Peace Conference.

39. As far as the general tenure of the Centennial conclusions was concerned, the experts had agreed that no new codification would be needed, since the best way of

maintaining and advancing the international rule of law was full adherence to present international law.

40. The co-hosts preferred to maintain a neutral position and not to present their text as the definitive version of the Centennial debates. They therefore proposed that the General Assembly should request the Secretary-General to draw the attention of the relevant international forums to the conclusions of the experts on the Centennial debates, and to invite those international forums to implement the suggestions contained in those conclusions in accordance with their own rules and policies.

41. **Mr. Hakapää** (Finland), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and the European Free Trade Association Country Member of the European Economic Area, Iceland, said that the adoption of the Rome Statute of the International Criminal Court in 1998 had been a quantum leap in the development and practical implementation of the rules of international law. The Court would not only prosecute acts already committed, but would also serve as a deterrent to future violations. At the same time, the increase in international law regimes made it necessary to ensure that the integrity of international law was maintained.

42. In that regard, valuable work had been done under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The European Union had contributed substantially to that Programme. Also worth mentioning were the student exchange programmes, with which the European Union had obtained excellent results, and the international law dissemination services provided by the United Nations through the Internet. The report of the Secretary-General noted an impressive increase in the number of visits to the *United Nations Treaty Collection* since its introduction in 1995. It was essential to ensure the complete and speedy publication of the international instruments under consideration.

43. According to Article 13 of the Charter, the task of the General Assembly was to encourage the progressive development of international law and its codification. However, other international organizations had also elaborated new instruments with that same objective in view. The International Law Commission was at the heart of the efforts to develop and codify international law. Although its work was commendable, the Commission should adjust its working methods and procedures to the practical demands of changing times. The Sixth Committee had been directly involved in several treaty projects which had produced concrete results.

44. During the Decade, environmental regulation had become a core issue for modern international law. The European Union, which was a party to a number of environment-related international instruments, attached particular importance to that field of law.

45. With respect to the goal of promoting means and methods for the peaceful settlement of disputes between States, including resort to the International Court of Justice, the international community had demonstrated increased confidence in the Court. However, it would be desirable for more countries to resort to its jurisdiction and for the States Members of the United Nations to provide it with adequate resources. The Decade had also witnessed the formation of the International Tribunal for the Law of the Sea, which had helped to settle legal disputes in that area.

46. Lastly, special thanks were due to the Governments of the Netherlands and the Russian Federation for hosting the Centennial celebrations for the first International Peace Conference in The Hague and St. Petersburg and to the Secretary-General and the United Nations Office of Legal Affairs, whose work had been essential to the success of the Decade.

47. **Ms. Flores Liera** (Mexico), speaking on behalf of the Rio Group, said that the period 1990-1999 had been productive, particularly with regard to the codification and progressive development of international law, but that much remained to be done to ensure compliance with and respect for its provisions.

48. The Rio Group took note of the report of the Secretary-General (A/54/362) and thanked the States and organizations that had provided information on the topic. She noted with satisfaction that one of the achievements of the Decade, the deposit by the United Nations of the act of formal confirmation of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, had laid the foundation for that instrument's entry into force and said she hoped that specialized agencies other than the International Maritime Organization (IMO) and the World Intellectual Property Organization (WIPO) would consider becoming parties to it.

49. At the inter-American level, the promotion, teaching and dissemination of international law had continued and an increasing number of courses in that field were being offered by universities and research institutions. The report of the Secretary-General described the many law-related activities

carried out at the continental level. During the Decade, the Organization of American States (OAS) had promulgated a series of legal instruments concerning, *inter alia*, the forced disappearance of persons, the punishment and eradication of violence against women, illicit traffic in minors, corruption, illicit trafficking in firearms and the elimination of discrimination against persons with disabilities. Particularly noteworthy was the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted by OAS in June 1999. That instrument, the first of its kind, established a series of obligations such as the creation of infrastructures to facilitate the movement of persons with disabilities and the implementation of awareness-raising campaigns; a follow-up and assessment mechanism had also been established in order to promote cooperation between States in the achievement of its objectives.

50. During the period 1990-1999, the Inter-American Juridical Committee and the Inter-American Court of Human Rights had published many books on international law. Furthermore, on 1 October 1999, the Court had issued an advisory opinion on minimum judicial guarantees and due process in the context of capital sentences handed down against foreigners whom the receiving State had not informed of their right to communicate with the consular authorities of the State of which they were nationals.

51. In commemoration of the thirtieth anniversary of the American Convention on Human Rights and the twentieth anniversary of the Inter-American Court of Human Rights, an official ceremony would take place in San José, Costa Rica, on 22 November 1999 and would be attended by representatives of OAS member States and other distinguished members of the international community. The Rio Group noted with interest the concluding comments contained in document A/54/38 and considered that the General Assembly, at its current session, should lay the foundation for the international community's continued efforts to make respect for international law a reality in the near future.

52. **Mr. Park Hee-kwon** (Republic of Korea) thanked the Governments of the Netherlands and the Russian Federation for hosting the Centennial celebration of the first International Peace Conference, which had been convened in The Hague in 1899 in order to elaborate instruments for the peaceful settlement of international crises, the prevention of wars and the codification of the rules of warfare. That Conference had marked the beginning of what was known as multilateral diplomacy.

53. The Hague Conference's contribution to the peaceful settlement of international disputes was undeniable. In particular, significant progress had been made in defining the nature of arbitration and in codifying rules of procedure, as a consequence of which various arbitration agreements had been concluded and numerous disputes had been submitted to international arbitration. The International Court of Justice was a consequence of those initial efforts in the area of modern international arbitration. The most important aspect of the first Hague Conference had been the promotion of the concept of codification, which had contributed significantly to the development of international law. Since 1899, the development of international law and its codification had expanded dramatically as a result of the solid legal framework established in The Hague. Many new States had been added to the international community, and the international scene had taken on new dimensions thanks to the active, participatory presence of international organizations, non-governmental organizations and civil society and to changes resulting from major industrial and technological advances and the information revolution. The instruments created by the Conference must doubtless be modernized and adapted to the needs of a constantly changing international environment, but the humanistic spirit of the Hague Conference still framed the Committee's goals and work. Although his country had not been invited to participate in the first International Peace Conference in 1899, a century later it was firmly committed to respecting and promoting the spirit of that Conference.

54. Despite the violent conflicts persisting in various parts of the world, the maintenance of international peace and security would remain one of humanity's most important obligations in the coming years. In order to meet that challenge, the creation of a "culture of peace" based on the rule of international law should be the goal of the next millennium.

55. The conclusion of the United Nations Decade of International Law should not bring an end to efforts to promote the rule of international law and its progressive development and codification. In that regard, his delegation fully supported the proposal that the programmes of the Decade should continue beyond the year 1999.

56. **Mr. Kawamura** (Japan) said that the activities to commemorate the Centennial of the first International Peace Conference had been a great success. The commemoration had stressed the need for an international order based on the rule of law and the duty of the international community to build peace and to prevent violations of international rules. With regard to the conclusions on the Centennial themes, the Government of Japan was of the view that, while

considerable progress had been made in the field of disarmament and arms control, it was an irrefutable fact that the process had stalled during the previous several years. For example, since the conclusion of the negotiations on the Comprehensive Nuclear-Test Ban Treaty, the Conference on Disarmament had not been able to embark on substantive negotiations on the Fissile Material Cut-off Treaty or to begin discussions on nuclear disarmament in general. During the Centennial, useful suggestions had been made concerning the entry into force of the Comprehensive Nuclear-Test Ban Treaty, the conclusion of the negotiations on and entry into force of the Fissile Material Cut-off Treaty, the ratification and entry into force of the second Strategic Arms Reduction Treaty (START 2) and the negotiations on START 3. Japan hoped that substantive progress could be made in the light of the above-mentioned conclusions.

57. Concerning humanitarian law and the laws of war, Japan welcomed the adoption of the new Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Rome Statute of the International Criminal Court. Compliance with international humanitarian law needed to be further improved in the light of the numerous violations of such norms.

58. Japan was of the view that States should make greater use of existing mechanisms for the peaceful settlement of disputes. The reason why available mechanisms did not function properly might be due to the lack of political will rather than to any inherent deficiencies. The International Court of Justice played an important role in that regard and Japan reiterated its appeal to States to accept the compulsory jurisdiction of the Court. The Government of Japan had decided to contribute $24,000 to the Trust Fund of the Court. Japan's annual contributions to the Fund were a clear expression of its support for the principle of peaceful settlement of international disputes.

59. In the view of the delegation of Japan, the United Nations Decade of International Law could be considered a success, since its main purposes had been achieved. The Government of Japan was pleased in particular that so many multilateral conventions had been adopted during the Decade under the auspices of the United Nations and at the active role which Japan had played.

60. One of the main purposes of the Decade was to encourage the teaching, study and dissemination of international law. Significant progress had also been made in that field. Japan had organized many symposia, conferences, seminars, lectures and meetings on international law and had contributed to the promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. In addition, Japan had published the Japanese Annual of International Law.

61. Lastly, Member States should widely disseminate to the public the report of the Secretary-General, which was a very useful document. Even though the United Nations Decade of International Law was drawing to a close, efforts to realize the main purposes of the Decade should be continued in the next millennium.

62. **Mr. Vázquez** (Venezuela) said that his delegation wished to associate itself with the statement made by the delegation of Mexico on behalf of the Rio Group. The year 1999 was one of very special significance for the United Nations. It was the closing year of the United Nations Decade of International Law and coincided with the Centennial of the first International Peace Conference and the fiftieth anniversary of the 1949 Geneva Conventions. The report of the Secretary-General on the United Nations Decade of International Law (A/54/362) reviewed the various activities of Member States, the United Nations system, regional organizations and academic institutions aimed at achieving the objectives of the Decade, as set out in General Assembly resolution 44/23 of 17 December 1989. In that regard, the balance sheet for the progressive development of international law and its codification was very positive. For example, the report contained a list of the numerous multilateral conventions which had been adopted under the auspices of the United Nations during the Decade. An equally large number of international instruments had also been approved during that period by international organizations, agencies of the United Nations system and regional organizations.

63. Special mention should be made of the work of progressive development of international law and its codification which was being done by the International Law Commission and the United Nations Commission on International Trade Law (UNCITRAL), as well as of the advisory opinions of the International Court of Justice and the implementation by the Court of international principles and norms. States were placing increased confidence in the Court, as shown by the increase in the number of cases which had been submitted to it during the Decade. Mention should also be made of the operation of other international and regional judicial mechanisms. He wished to commend the work done at the global level to establish norms for the regulation of international relations in all spheres of human activity. Attention should also be drawn to the active

participation of the developing countries in such standard-setting activities, which were of particular importance for the promotion of international law to regulate the rights and obligations of States within the framework of an international society characterized by its interdependence. To that end, there was need for the continuous development of norms that took account of the changing reality of the contemporary world.

64. The United Nations had managed to give an effective legal response to fundamental issues which had been raised at the international level. The proclamation of the period 1990-1999 as the United Nations Decade of International Law and the establishment, at the initiative of the non-aligned countries, of the corresponding programme of action had contributed significantly to the results that had been achieved.

65. In order for the rule of law to prevail in international relations, it was not sufficient to establish norms. Those norms must also be respected and observed. Thus, as the delegation of Mexico, speaking on behalf of the Rio Group, had stated, a great deal still remained to be done. The United Nations must therefore renew its efforts to ensure that all States acted in compliance with international law and its principles. Ecuador reaffirmed its firm support for the United Nations in the pursuit of those objectives.

66. During the Decade, Ecuador had become party to numerous international instruments, such as the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Ecuador had also signed a bilateral agreement which had very special significance and, in fact, was the best contribution that two countries had been able to make to the fulfilment of another of the principal objectives of the Decade, namely, the promotion of ways and means of peaceful settlement of disputes between States. He was referring to the comprehensive agreements signed in October 1998 between Ecuador and Peru, which had settled the territorial dispute that had existed between the two countries for more than a century and a half. The agreements provided for, *inter alia*, the on-site marking of the common land boundary, a Treaty on Trade and Navigation, a Comprehensive Peruvian-Ecuadorian Agreement on Border Integration, and the establishment of a Binational Peruvian-Ecuadorian Commission on Mutual Confidence-Building and Security Measures.

67. With reference to the report on the Centennial of the first International Peace Conference, the noble purposes and objectives which had been established 100 years before for the promotion of peace and international humanitarian law remained fully valid in the current turbulent world. In that connection, mention should be made of the commendable work done by the International Committee of the Red Cross, which planned to publish in early 2000 a study on the customary norms of humanitarian law applicable in international and non-international armed conflicts.

68. He expressed his gratitude to the United Nations Office of Legal Affairs for its ongoing contribution to the work of progressive development and codification of international law, particularly for maintaining and updating the treaty data base as well as numerous web sites containing information on United Nations efforts in the area of international law; the creation of the United Nations Audio-visual Library in International Law, which was at an early stage of operations; the preparation of a publication entitled *Collection of Essays by Legal Advisers of States, Legal Advisers of International Organizations and Practitioners in the Field of International Law*, and the preparation of a publication on the United Nations and the development of international law during the 1990s.

69. Since the United Nations Decade of International Law was about to conclude, it was appropriate for the Organization to reaffirm its objectives for the next two decades and to take note of the commitment of Member States to continue to seek to establish mechanisms with a view to promoting more effective compliance with international law.

70. **Mr. Kerma** (Algeria) said that within a few weeks the new century would begin, coinciding with the closure of the United Nations Decade of International Law. That was a good time to measure advances made, to assess their impact on the evolution of international law, and to identify the elements that had blocked the attainment of the Decade's objectives, as set out in General Assembly resolution 44/23.

71. His delegation was satisfied that the various activities conducted had helped to realize the aspirations expressed at the start of the Decade. Many States, especially African and Asian ones, had used the International Court of Justice for the settlement of their disputes. The Court had become the inevitable forum for the settlement of disputes between States and its needs, particularly for human and financial resources, must be met so that it could carry out its mission under the best possible conditions.

72. Marked progress had been made in the progressive development and codification of international law. In that regard, mention should be made of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer

of Anti-Personnel Mines and on Their Destruction, the Statute of the International Criminal Court, and the International Convention for the Suppression of Terrorist Bombings.

73. Progress had also been made in the law of the sea, including the creation and effective functioning of various bodies envisaged under the Convention on the Law of the Sea. Moreover, in the area of international trade law, many legal texts of great interest had been prepared.

74. Also of note was the important work being carried out by the International Law Commission, whose careful studies on a number of topics had been the basis for discussions and negotiations between States with respect to the preparation of legal instruments and the development of new areas of international law.

75. All those efforts would have been to no avail without the assistance provided by the United Nations Office of Legal Affairs to the various conferences for the negotiation and adoption of major legal instruments within the framework of the codification of international law. The holding of a number of seminars and conferences and the publication of the Juridical Yearbook and other instruments through the electronic media had allowed for a larger segment of the public to become familiar with international law. Training seminars and information meetings on uniform rules on international trade law had been organized, to disseminate texts formulated by the United Nations Commission on International Trade Law and to encourage States to adopt them.

76. The celebration of the Centennial of the first International Peace Conference of 1899, organized by the Russian Federation and the Netherlands, had been one of the most important undertakings of the Decade. Also worth mentioning was the Hague Agenda for Peace and Justice for the Twenty-first Century (A/54/98, annex).

77. The progressive development and codification of international law would firmly establish the primacy of law and the use of peaceful means to settle disputes. His Government was sparing no effort to promote the dissemination of international law in its universities and institutions of higher learning, as well as among the broader public. Algeria's accession to a large number of international conventions and treaties on a great variety of subjects attested to its commitment to the primacy of law and the wide application thereof.

78. The proclamation of the United Nations Decade of International Law demonstrated that, increasingly, States and international organizations believed in an interdependent world in which individual interests could be better protected through a system of universally accepted norms. It also reflected the desire of the international community to enter into a new era of international relations in which the principles of the Charter of the United Nations would be fully respected.

79. Sovereignty created international law and also constituted one of its basic principles. International law was not decreed from above and imposed on States; rather, it emanated directly from their consent. The codification of international law was a noble undertaking; to strengthen its universal and binding nature, however, more States must participate in its codification and implementation. Special attention would therefore have to be paid to the diversity of States, to their level of development, and to their political and cultural particularities and the developing countries would have to participate increasingly in international negotiations at which legal instruments were formulated, in order to promote acceptance of those instruments.

80. Despite the many advances made, some of the goals of the Decade had not been fulfilled. Much remained to be done to ensure the absolute primacy of law and to promote full respect for the goals and principles of the Charter.

81. **Mr. Cayetano** (Philippines) said that the objective of promoting acceptance and respect for the principles of international law, which objective was enshrined in his country's Constitution, could not be achieved simply through the United Nations Decade of International Law. The needs of countries relative to their diverse characteristics and particular stage of development should also be borne in mind.

82. Regarding the objective of promoting means and methods for the peaceful settlement of disputes between States, the Association of Southeast Asian Nations (ASEAN) had established a regional dispute mechanism and was preparing a paper on preventive diplomacy. Within the scope of United Nations activities, attention should be drawn to the Manila Declaration on the Peaceful Settlement of International Disputes, the Declaration on the Prevention and Removal of Disputes and Situations which may Threaten International Peace and Security and on the Role of the United Nations in this Field, and the work of the International Law Commission to facilitate the establishment of substantive norms providing for the peaceful settlement of disputes. In his view, the United Nations system of organizations and regional and other organizations working in the field of international law should be invited, on a regular basis, to participate in efforts to attain that objective.

83. Activities related to the progressive development of international law and its codification should be adapted to the functions of the International Law Commission as well as to changing international realities.

84. Lastly, his delegation was satisfied with the efforts of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which was of particular importance for the legal empowerment programme that had been submitted to the Philippine Senate.

The meeting rose at 1.05 p.m.

United Nations A/C.6/54/SR.9

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Chairman: Mr. Mochochoko ..... (Lesotho)
later: Mr. Kawamura (Vice-Chairman) ..... (Japan)

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99-81686 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 154: United Nations Decade of International Law (*continued*)

(a) United Nations Decade of International Law (*continued*) (A/54/362)

(b) Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference (*continued*) (A/54/98 and A/54/381)

1. **Ms. Young** (Jamaica) said that for more than three decades, her Government had participated actively in international and regional forums relating to international law and had provided expertise in the negotiation of universally accepted treaties, including the United Nations Convention on the Law of the Sea.

2. The report of the Secretary-General on the United Nations Decade of International Law (A/54/362) contained information on the more than 70 conventions that had been concluded during the Decade. They covered a wide range of issues, including commodity trade, environmental protection, the privileges and immunities of international organizations, shipping and disarmament.

3. Her Government, which attached great importance to current developments in the field of international environmental law, was a party to some of the most recently elaborated conventions, including the Kyoto Protocol to the 1992 United Nations Framework Convention on Climate Change and the Convention on Biological Diversity. The latter convention was a prime example of the impact of international environmental law on other areas of international law. The evolutionary concepts envisioned in the Biodiversity Convention, such as facilitating access to genetic resources and protecting traditional and indigenous knowledge, were an indication of the further changes that would occur in the field as States sought to reconcile the Biodiversity Convention and the Trade-Related Aspects of Intellectual Property Rights Agreement concluded under the auspices of the World Trade Organization.

4. Progress had also been made in the area of international criminal law, notably with regard to mutual legal assistance and to the prevention of illegal arms manufacturing and trafficking, illicit drug trafficking and terrorism. A significant development throughout the Decade, however, had been the elaboration of the Rome Statute of the International Criminal Court.

5. The Statute, adopted in July 1998, took into account the evolution of international law. It was noteworthy that the Statute granted to the Court complementary jurisdiction o genocide, crimes against humanity and war crimes. It w important to her country that the Rome Conference h agreed to review the inclusion of drug crimes and acts terrorism as crimes under the jurisdiction of the Court at review conference to be held seven years after establishment of the Court.

6. The law of the sea was yet another area of in wh international law was being developed. While the Unit Nations Convention on the Law of the Sea had preceded t Decade, the Convention embodied the evolutionary conce of the common heritage of mankind.

7. Developments during the Decade had included t entry into force of the Agreement relating to t Implementation of Part XI of the Convention, t establishment of the International Seabed Authority Kingston, the approval by the Authority of the plans of wo for exploration of seven registered pioneer investors, t elaboration and first reading of the draft regulations f prospecting and exploration for polymetallic nodules, a the signing of the initial headquarters agreement between h Government and the Authority.

8. Her delegation also noted the progress made by t International Tribunal for the Law of the Sea, established 1996. The Tribunal had adopted the Rules of the Tribuna which included the rules of procedure, and had set up sever chambers, including the Seabed Disputes Chamber.

9. Significant strides had been made in the codificatio of international law through regional agreements. The Inte American Convention against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives, a Other Related Materials, elaborated under the auspices the Organization of American States (OAS), was an examp of the progressive development of international law addressing the issue of small arms.

10. Her delegation expressed appreciation to t Governments of the Netherlands and the Russian Federatio for organizing the 1999 centennial of the first Internation Peace Conference of 1899. The conferences held in Th Hague and St. Petersburg had brought together experts f the purpose of giving extensive consideration to questio of disarmament, humanitarian law and the peacef settlement of disputes.

11. Pursuant to the mandate given by the Gener Assembly in its resolution 44/23, the Jamaican Ministry Foreign Affairs and Foreign Trade had organized lectur on the relevance and importance of international law to h country, placing emphasis on maritime, humanitaria

environmental and trade law. The Ministry had also endeavoured to establish a comprehensive treaty registry for Jamaica. It was expected that the registry would include the texts of the respective implementing legislation for the treaties to which her Government was a party. The treaty registry would be placed on the Ministry's Web site in the near future. The Ministry had also published articles emphasizing the role of the International Court of Justice and the specialized international tribunals in the peaceful settlement of disputes.

12. **Mr. Jacovides** (Cyprus) said that his delegation associated itself with the statement made in the previous meeting by the representative of Finland on behalf of the European Union.

13. Cyprus, in its 40 years of turbulent existence as an independent State, had been wholeheartedly dedicated to the concept of an international legal order, as a matter of both principle and national self-interest. Had the relevant rules of international law been applied, the Cyprus problem would never have arisen; and if those rules were applied now, the international aspects of that long-standing problem could be resolved quickly and fairly for all concerned. Cyprus had accepted the compulsory jurisdiction of the International Court of Justice and had repeatedly declared its willingness to have the Court adjudicate the legal aspects of the problem, in parallel to other methods of dispute resolution, a position fully consonant with the views of the Court itself.

14. Cyprus had, moreover, consistently relied on legal means of dispute settlement. For example, it had successfully resorted to the courts in the United States to recover the Kanakaria mosaics, in a precedent-setting case for the protection of cultural property looted from occupied territory. More recently it had applied to the European Court of Justice on the phytosanitary certificates issue and to the European Court of Human Rights in the Titina Loizidou case.

15. Over the years, Cyprus had made it a deliberate policy to participate in all the major lawmaking conferences held under the auspices of the United Nations. It had contributed to the development of compulsory third-party dispute settlement procedures, notably at the Conference on the Law of the Sea, and the adoption of the concept of *jus cogens*, notably in the Vienna Convention on the Law of Treaties, and had been active in advocating acceptance of an international criminal jurisdiction. Now that the Statute of the International Criminal Court had been adopted, it was important to ensure that the Court was established and fully functioning as soon as possible.

16. As the United Nations Decade of International Law came to a close it was satisfying to note that progress had been made towards all the objectives spelled out in General Assembly resolution 44/23. The Secretary-General's thorough report (A/54/362) detailed an impressive number of events and publications at the national, regional and international levels. The work of the Codification Division, the International Trade Law Branch and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs deserved special commendation.

17. The meetings held in The Hague and in St. Petersburg in celebration of the centennial of the first International Peace Conference (A/54/381) had been a fitting culmination of the United Nations Decade of International Law, and Cyprus had been proud to be one of the "Friends of 1999".

18. Cyprus had long been a supporter of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and had been a member of the Advisory Committee on the Programme since 1965. The Programme had long been doing valuable work and deserved full support and more adequate funding.

19. It should not be forgotten that informal forums, such as the meetings of legal advisers of foreign ministries and of the States members of the Asian-African Legal Consultative Committee, which since 1990 had been held on the sidelines of the annual debate in the Sixth Committee on the report of the International Law Commission, provided the opportunity for practitioners who could really make a difference in practical terms to get to know each other and exchange views.

20. The Non-Aligned Movement and the Commonwealth also provided useful forums for promoting international law activities and achieving the objectives of the Decade. The very idea of declaring the Decade of International Law had been conceived in the context of the Conference of Foreign Ministers of the Non-Aligned Countries held in Nicosia in September 1988. In the new circumstances resulting from the end of the cold war, increased activity in the international legal field within the framework of the principles on which its existence was based could become a new focal point for the Movement. One appropriate occasion for such activity would be the commemorative session on the Decade due to take place in the plenary Assembly in November. Similarly, the Commonwealth, representing nearly one third of the United Nations membership and sharing legal notions based on common law, constituted one of the world's principal legal systems and could play an active role in developing international law,

as it had already done in the case of an international criminal jurisdiction and sustainable development of small island developing States.

21. The substantial increase in the workload of the International Court of Justice was both a welcome development of the past decade and an argument for providing more adequate financial resources. More work needed to be done on expanding the compulsory jurisdiction of the Court, particularly with regard to *jus cogens*.

22. Mechanisms for peaceful dispute settlement had been expanded with the creation of the International Tribunal for the Law of the Sea, the International Tribunals for the former Yugoslavia and for Rwanda and most notably, in the establishment of the International Criminal Court. Less noticed but also valuable were the quasi-judicial institutions such as the United Nations Compensation Commission, the claims resolution tribunal for dormant Swiss accounts, the World Bank International Centre for Settlement of Investment Disputes, and the various international courts of arbitration. In addition, the international supervisory machinery had been substantially expanded by the committees responsible for ensuring compliance with the conventions on human rights, racial discrimination, discrimination against women, the rights of the child, prevention of torture and others. In that regard, one very recent development was the entry into force of the Framework Convention for the Protection of National Minorities of the Council of Europe; its supervisory machinery had already begun to hear reports from the States parties.

23. As the Decade drew to a close it could be said that there was considerably greater awareness than before of the rules of international law and of the need to apply the rule of law among and within States. However, it must be admitted that, especially in the area of international peace and security, there were several situations, including the blatantly illegal situation confronting Cyprus, where power politics and the idea that might made right continued to prevail. Recent debate in the plenary Assembly and in the Sixth Committee had served to underscore the realization that international law was in a state of evolution, but also the conviction that the principles of the Charter of the United Nations were of primary importance and that there should be no double standards. The task of the Committee was to do its utmost to see that international law was paramount and, to the extent possible, to achieve a world of peace with justice in the new millennium.

24. **Ms. Taddei** (San Marino) said that too often international law was perceived as something that did not touch the lives of ordinary people; yet individuals were increasingly being given access to international procedures to settle their disputes with States. The eleventh protocol to the European Convention on Human Rights, for example, allowed individuals recourse for violation of their civil rights.

25. Among the initiatives undertaken to celebrate the close of the Decade, she would like to mention in particular the meetings held in The Hague and St. Petersburg in celebration of the centennial of the first International Peace Conference; and the non-governmental Hague Appeal for Peace Conference, which had addressed issues of great concern, such as the International Criminal Court, the problem of mercenaries, the legality of humanitarian intervention, and the creation of a culture of peace.

26. Among the most significant initiatives taken during the Decade to promote knowledge of international law were the efforts of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; the seminars on international law organized by the University of Helsinki and the Erik Castrén Institute of International Law and Human Rights; various European Union projects to promote human rights education; initiatives undertaken by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe; and the many activities of the International Committee of the Red Cross, particularly the project to produce multimedia teaching modules.

27. San Marino attached great importance to the promotion of means of peaceful settlement of disputes, particularly the use of arbitration. The increased number of cases brought to the attention of the International Court of Arbitration of the International Chamber of Commerce were a sign of its efficiency and expertise. The International Centre for Settlement of Investment Disputes was another valuable mechanism. The Government of San Marino itself had recently established a court of arbitration in the hope that it would become an internationally recognized instrument for the settlement of commercial and political disputes. It was not intended as a competitor to the existing bodies, but hoped to collaborate and cooperate with them. It was an attempt by San Marino, a small State that had rejected war as a means of settling disputes, to contribute to the achievement of the objectives of the Decade. In that regard, the comments and suggestions of other delegations had been extremely helpful.

28. Among the valuable work done by the United Nations in developing and codifying international law, her delegation

considered the electronic database containing the United Nations Treaty Collection to be a very important tool.

29. **Mr. van den Hout** (Observer for the Permanent Court of Arbitration), speaking in accordance with a decision of the Committee waiving the rule that observers should speak at the end of the meeting, said that the conclusion of the United Nations Decade of International Law coincided not only with the centennial of the first International Peace Conference but also with the hundredth anniversary of the Permanent Court of Arbitration, which had been established by that same Peace Conference to handle the peaceful settlement of international disputes. The Permanent Court of Arbitration was therefore in a sense the predecessor of the International Court of Justice, but currently they were complementary in nature. Both were devoted to the peaceful settlement of international disputes. The International Court of Justice resolved inter-State disputes through judicial adjudication, whereas the Permanent Court of Arbitration had a broader jurisdiction, extending also to cases involving international organizations and private parties and applied a different set of dispute resolution mechanisms, ranging from arbitration to commissions of inquiry, conciliation, and mediation.

30. Since 1996, it had served as registry for six ad hoc arbitral tribunals. Although not a registry for international commercial arbitration, the Permanent Court of Arbitration was closely in touch with that field. It was often asked by the United Nations Commission on International Trade Law (UNCITRAL) to appoint or arrange the appointment of arbitrators in cases where parties in dispute had been able to constitute the tribunals themselves under the UNCITRAL Arbitration Rules. Moreover, several years ago, the International Council for Commercial Arbitration had sought the cooperation of the Permanent Court of Arbitration with regard to its publications. The arrangement had proved to be mutually beneficial and had given the Permanent Court of Arbitration regular access to the most recent developments in the field.

31. It was the aim of his organization to become a repository of information concerning alternative methods of peaceful dispute resolution. It also aimed to undertake a comparative analysis of the institutional aspects of the various mass claims systems. Such a catalogue of information would be of great use to Governments and other parties responsible for setting up new claims tribunals. Lastly, the Permanent Court of Arbitration was equipping itself to take up the challenge of filling the current gap in international dispute resolution mechanisms pertaining to the environment. It might well prove to be the appropriate forum to handle sensitive environmental issues, since arbitration generated a higher "level of comfort" than judicial settlement and allowed for participation of expert witnesses and expert arbitrators in that complex field.

32. The Conference of Members of the Permanent Court of Arbitration at its commemorative session on 17 May 1999 had adopted a resolution, the operative paragraphs of which were reproduced in document A/54/381 (para 9). The Permanent Court of Arbitration would consider it fitting if the Sixth Committee, at the close of its consideration of the agenda item, were to endorse those operative paragraphs. It would be a modest but important action to help strengthen the existing mechanisms of peaceful dispute resolution.

33. It was the considered opinion of his organization, the legal titleholder of the name "Permanent Court of Arbitration", that the proposal of San Marino to establish an arbitral institution under the same name would lead to great confusion within the international community.

34. **Mr. Niehaus** (Costa Rica) said that his delegation associated itself with the statement made by Mexico on behalf of the Rio Group.

35. As the Decade drew to a close, his delegation noted with satisfaction the conclusion of various instruments of fundamental importance to international law, including the Rome Statute of the International Criminal Court, the Comprehensive Nuclear-Test-Ban Treaty, the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, the Kyoto Protocol to the Convention on Climate Change, the Convention on Biological Diversity and the indefinite extension of the United Nations Framework Treaty on the Non-Proliferation of Nuclear Weapons. Furthermore, thanks to the tremendous efforts of the Committee, the International Convention for the Suppression of Terrorist Bombings had been concluded, and would soon be followed by the international convention for the suppression of the financing of terrorism, which was being negotiated at the current session.

36. In order to consolidate the achievements of the Decade, it would be fitting to call for the signing and ratification of all treaties concluded during the Decade. A signing ceremony in the context of the Millennium Assembly would be an appropriate follow-up to the activities undertaken during the Decade.

37. In 1999 the countries of the Americas would mark the thirtieth anniversary of the adoption of the American Convention on Human Rights and the twentieth anniversary of the establishment of the Inter-American Court of Human Rights. The Convention and the Court were the basis of the

pan-American system for the protection of human rights and had made a valuable contribution to the development of international law, both regionally and internationally.

38. The American Convention on Human Rights, or Pact of San José, had been adopted on 22 November 1969 at the Inter-American Specialized Conference on Human Rights held in Costa Rica. The instrument contained a list of human rights and fundamental freedoms which States parties pledged to respect. It also established the Inter-American Commission on Human Rights.

39. The Pact of San José had entered into force on 18 July 1978 with the deposit of the eleventh instrument of ratification. Subsequently, on 3 September 1979, the Inter-American Court of Human Rights had been established with its seat at San José. Currently, 25 States had ratified or acceded to the Convention, while 21 States had accepted the competence of the Court in the settlement of disputes.

40. A solemn ceremony to mark those anniversaries would be held in San José, on 22 November 1999 with the sponsorship of his Government, the approval of the General Assembly of OAS and the cooperation of the Inter-American Institute of Human Rights. It would be attended by representatives of States members of OAS and States having observer status with OAS, members of the Inter-American Court of Human Rights and the American Commission on Human Rights and representatives of the United Nations High Commissioner for Human Rights.

41. Lastly, his delegation expressed appreciation to the Governments of the Netherlands and the Russian Federation for organizing the 1999 Centennial of the first International Peace Conference of 1899.

42. *Mr. Kawamura (Japan) took the Chair.*

43. **Mr. Biato** (Brazil) said that his delegation associated itself with the statement made by Mexico on behalf of the Rio Group.

44. The past 10 years had been a decade of international law for his country. In all fields, from human rights to environmental legislation, and from commercial arbitration to academic studies, awareness of and commitment to the principles and application of international law had been strengthened. A National Plan for Human Rights had been established. His Government had accepted the compulsory jurisdiction of the Inter-American Court of Human Rights and was honoured that a Brazilian, Professor Cançado Trindade, had recently been elected to the Court.

45. The establishment of the Southern Common Market (MERCOSUR) in 1991 had fostered the study and practice of regional integration law, especially in such as areas as arbitration, comparative legislative structures and mutual recognition of law degrees among member countries.

46. In the past decade, international law had become a core subject in law school curricula. A series of debates was currently being held under the auspices of the Ministry of Foreign Affairs, the Bar Association and the Attorney-General with a view to broadening public awareness of issues related to international law.

47. His delegation noted with satisfaction the election of Professor Francisco Rezek to the International Court of Justice. The Court would continue to make an important contribution to the worldwide efforts to strengthen the peaceful settlement of disputes.

48. His delegation attached particular importance to the 1999 centennial of the first International Peace Conference of 1899 and commended the efforts of the Governments of the Netherlands and the Russian Federation in that regard. The Hague and its historic peace conferences of 1899 and 1907 held a special place in his country's diplomatic history.

49. With regard to the substantive discussions held in The Hague in 1999, he wished to dwell on two issues of particular relevance, namely, disarmament and international humanitarian law. In the field of disarmament, it was unfortunate that work on the international legal framework for arms control had not advanced at the desired pace. It might be time to expand the interaction of those parts of the United Nations system that dealt with the issue. His delegation therefore endorsed the idea, considered in The Hague, that the Sixth Committee should give increased attention to the discussion of the legal aspects of disarmament and arms control.

50. In the field of humanitarian law, moral imperatives should be backed up by stronger and stricter rules for the prosecution of serious offenders. His delegation viewed the complementary jurisdiction of the International Criminal Court as a valuable addition to both domestic legal systems and the multilateral regime for the international protection of human rights. Similarly, the role played by the International Committee of the Red Cross in humanitarian situations worldwide should be reinforced.

51. Lastly, his delegation suggested that the spirit of the Decade should be carried over to the next millennium by continuing efforts to generate public awareness of international law, developing study programmes at the university level, and calling on governmental and non-governmental international law commissions to take an active part in organizing and promoting those initiatives.

52. **Mr. Zmeevsky** (Russian Federation) said that the United Nations had performed a historic service in confirming, through the Decade, the supremacy of international law, the universality of its principles and standards, the expansion of the range of international relations governed by it and the increased compatibility between the positions adopted by States. The Organization had done crucial work, but much could still be done with regard to the legal bases for the use of force in international relations, for improving sanctions regimes, for peacemaking, for the peaceful settlement of disputes and for improved cooperation between United Nations bodies and regional organizations. Greater thought should be given to the international law aspects of preventive diplomacy and post-conflict reconstruction.

53. The United Nations had a special role to play in the light of moves to undermine the existing system of international relations. It was often argued that, as it stood, international law was imperfect and that "humanitarian disasters" should be resolved pragmatically, with no regard even for the fundamental principles of international law enunciated in the Charter of the United Nations. Although, as his country's Minister for Foreign Affairs had stated, international law should adapt to new realities, its further codification and progressive development could take place only on the basis of respect for the principles of inter-State contacts as laid down in the Charter.

54. Much importance had been attached in the Russian Federation to the implementation of the Decade's goals. National and international activities had included a joint Russian-American seminar on the role of the United Nations in the development of the international law of the sea, an international seminar on international law standards in the territory of Russia, events to mark the 150th anniversary of the birth of the Russian academic and diplomat Fedor Martens, a conference on the United Nations and international law over the past 50 years, a conference on the application of international law by Russian judges and law-enforcement bodies and an international conference of the International Law Association.

55. An important aspect of the Decade had been the centennial of the first International Peace Conference of 1899, convened on Russia's initiative, which had laid the foundations of international law governing the settlement of disputes, issues relative to war, and arms limitation. Together with the second conference of 1907, it had in many ways provided correct answers to the challenges of the future. The 1999 meetings in The Hague and St. Petersburg, and elsewhere, had continued the traditions of the two earlier conferences and could therefore be seen as a third international peace conference, as originally suggested by the President of the Russian Federation. Like the two earlier conferences, it had been a joint effort by Russia and the Netherlands and represented a fine example of effective cooperation, as document A/54/381 demonstrated. An important contribution had also been made by the "Friends of 1999".

56. The main objective of the 1999 conference had been to encourage wide international discussion aimed at defining the basic directions for the development of international law in the next century and focusing attention on the need for observance of international law. The conference, attended by representatives of States, intergovernmental and non-governmental organizations, had witnessed extraordinarily successful discussions on the strengthening of international law and order. The conference had been preceded by a number of others throughout the world, many organized on the initiative of the "Friends of 1999". An important outcome had been the formation of a coalition of non-governmental organizations, whose role in contemporary life was becoming ever more significant.

57. The conference had taken only the first steps towards meeting the challenges of the twenty-first century, although it had been agreed by all that international law must be maintained; there was no alternative. Indeed, respect for international law and order should be increased and the powers of the United Nations to prevent violations of its objectives and principles — and to deal with the consequences of such violations — should be strengthened. The conference could be the first in a regular series on various aspects of international law. His delegation suggested that an appropriate follow-up would be to convene a further "decentralized" conference, focusing on the legal and organizational aspects of the issue. He called on the Committee to take the appropriate decisions to that end.

58. The highest priority for all peoples and States was a democratic and enlightened world without wars or conflicts, where each State had the right to its proper place among other nations. The conclusion of the Decade was the start of a new stage in the strengthening of the universal observance of international law, in response to the needs of humankind in the coming millennium.

59. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea) said it was unfortunate that a number of developments had occurred during the Decade that had disappointed and shocked the international community. Certain countries or groups of countries continued to adopt policies and practices in contravention of the recognized principles of international law. A typical example was the

attempt to erode the sacrosanct status of national sovereignty. Recently, certain assertions had been made which redefined the concept of national sovereignty that had prevailed hitherto, and a number of supporting arguments, such as the so-called theory of the extraterritorial nature of humanitarian intervention and protection of human rights, had been put forward without hesitation.

60. Some countries had no scruples about encroaching upon the sovereignty of other countries and devastating the human rights and fundamental freedoms of their peoples by mobilizing huge regular armed forces and undertaking military invasions. Events before, during and after the North Atlantic Treaty Organization air strikes against Yugoslavia were vivid proof of that.

61. Such attacks were an extreme example of high-handedness and arbitrariness on the part of some countries which had been pursuing a political and military strategy aimed at subordinating small and independent countries following the disappearance of the confrontation between East and West. They had labelled as "rogue States" those countries which disobeyed unjust orders for the purpose of safeguarding their national sovereignty, while seeking to suppress them politically, economically and militarily. Under those circumstances, the theory of those who opposed the principle of respect for national sovereignty could be construed as "might makes right". The law that they upheld was the law of the jungle rather than international law. The question arose as to which States were "rogue States" and which were defenders of international law in the real sense of the term.

62. Respect for national sovereignty was a cornerstone of international law and a pillar of international relations. Accordingly, his delegation underscored the urgent need for vigilance in the light of the hostile manoeuvres aimed at undermining respect for national sovereignty.

63. **Mr. Kolby** (Norway) said that his delegation welcomed the report of the Secretary-General on the Decade (A/54/362) and the outcome of the action dedicated to the 1999 centennial of the first International Peace Conference of 1899. In particular, his delegation commended the Governments of the Netherlands and the Russian Federation for organizing the meetings held in The Hague and St. Petersburg.

64. With regard to humanitarian law, his delegation believed that priority should be given to promoting compliance with existing law rather than adopting new instruments. Continued efforts must be made to expedite national signature and ratification procedures in order to secure the early establishment of the International Criminal Court.

65. Many non-governmental organizations had played an important role in the Decade, particularly the Hague Appeal for Peace Conference.

66. In the past 10 years, the international community had become equipped with electronic tools which facilitated access to the relevant sources of international law. His delegation noted with satisfaction the completion of a United Nations project establishing a new electronic treaty database. Access to updated information promoted knowledge of and respect for treaties and helped to realize the purposes of Article 102 of the Charter of the United Nations.

67. The promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, had been a core objective of the Decade. The Court was the principal international judicial body and possessed unique competence and universality. During the past decade there had been an increase in the number of cases referred to the Court. While acknowledging the financial constraints imposed on the Court, his delegation welcomed the increased activity and noted with satisfaction that the Advisory Committee on Administrative and Budgetary Questions had given favourable consideration to the budget request for the Court.

68. **Mr. Sun Guoshun** (China) said that 1999, the final year of the Decade, also marked the centennial of the First International Peace Conference and the fiftieth anniversary of the adoption of the four Geneva Conventions.

69. One hundred years ago, representatives of 26 countries, including China, had gathered at The Hague for a peace conference which had been of great significance in the establishment of mechanisms for the peaceful settlement of international disputes. His Government commended the success of the Centennial conferences held in The Hague and St. Petersburg and expressed its gratitude to the Governments of the Netherlands and the Russian Federation for their organizing efforts.

70. His Government had sponsored several symposia under the programme of activities for the Decade. On the occasion of the Centennial, the International Law Society of China, the Chinese Red Cross Society and the United Nations Society of China had jointly sponsored the Symposium on International Humanitarian Law, held in Beijing in July.

71. **Mr. Begg** (New Zealand) said that his country had actively supported the principles underpinning the Decade, one major initiative being the establishment of a New Zealand branch of the International Law Association in

Wellington, with a sub-branch in Auckland. At its 1999 annual conference, the branch had examined international humanitarian law and international security.

72. New Zealand had ratified several significant multilateral treaties, including the Convention on the Safety of United Nations and Associated Personnel, which his delegation had been active in drafting and promoting and whose entry into force in January 1999 it welcomed. He urged States that had not done so to consider becoming parties to it. The tragic deaths of United Nations personnel in Kosovo and Burundi the previous week had demonstrated that there was still a long way to go in promoting respect for the provisions of the Convention. His delegation supported the call for an additional protocol to the Convention to extend legal protection to local United Nations staff. A number of East Timorese people had tragically died in the service of the United Nations in August and September 1999.

73. New Zealand had also ratified the Comprehensive Nuclear-Test-Ban Treaty and signed the Rome Statute of the International Criminal Court; his delegation looked forward to the expeditious entry into force of the latter. The entry into force in March 1999 of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction was particularly gratifying; if the political will existed, the negotiation, ratification and entry into force of international law could be rapid and effective.

74. In token of its commitment to the widest practicable dissemination of United Nations information and international legal resources, his Government had made significant progress in the past year in bringing up to date the publication of all treaties to which New Zealand was a party. Moreover, the New Zealand Defence Force had introduced a training module on international humanitarian law and was revising its manual on the law of armed conflict.

75. His country attached great importance to the peaceful settlement of disputes, as was demonstrated by its participation in peacekeeping operations worldwide; while continuing its work to develop peace and reconciliation in the island of Bougainville, New Zealand had also made a significant contribution to the restoration of peace and security in East Timor.

76. The end of the Decade should bring about no lessening of the commitment to its goals. Many significant milestones in the codification of international law had been achieved, but the more difficult challenge was to ensure that treaties were respected and enforced. His Government would work constructively to that end.

77. **Mr. Ahipeaud** (Côte d'Ivoire) said that it was time to take stock of the results of the Decade. Much had been achieved but the international community must make even greater efforts in order to cope with the many challenges that remained. Many conventions had been signed and ratified under the auspices of the United Nations. Of particular importance were the Montreal Protocol on Substances that Deplete the Ozone Layer, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the Rome Statute of the International Criminal Court. Actions, however, spoke louder than words. Although an impressive body of texts had been adopted, the real test of a law lay in its implementation and in its effect on the everyday relations between the people governed by it. If the law was not applied, or flouted with impunity, it did not exist and the law of the jungle reigned again. All too often, observance of international law was overridden by special interests. His delegation called on the international community to increase its efforts not only to codify international law but to implement it, thus establishing full confidence between peoples. It should surely be possible to create a mechanism within the United Nations to monitor and evaluate the observance of international law by States. Dreams could become reality, as exemplified by the United Nations itself.

78. **Mr. Fruchtbaum** (Solomon Islands) said that there was common agreement on the success of the Decade. The Secretary-General's report (A/54/362) and the letter dated 10 September 1999 from the Permanent Representatives of the Netherlands and the Russian Federation addressed to the Secretary-General (A/54/381) testified to what had been achieved. Impressive efforts had been made to reach out to professionals and students. He was, however, concerned that the majority of the world's population had been overlooked. All efforts at dissemination had passed by the man or woman in the street. At the end of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, one New York newspaper had opposed acceptance of the Court by the United States of America on the grounds that there was no such thing as international law. The press, film-makers, television and radio producers, writers of commercial books and even authors of children's comic books should be targeted. It would be a mistake to consider the issue too complex for the general public; international law needed a popularizer to give the public the information it needed, as such writers as

H. G. Wells had done for science. There was no room for self-congratulation. The Committee should embark on a campaign to disseminate information on international law.

The meeting rose at 5.00 p.m.

United Nations A/C.6/54/SR.10

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Chairman: Ms. Hallum ..... (New Zealand)

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The meeting was called to order at 3.15 p.m.

Agenda item 154: United Nations Decade of International Law (*continued*)

(a) United Nations Decade of International Law (*continued*) (A/54/362)

(b) Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference (*continued*) (A/54/98, A/54/581)

1. **Ms. Partiban** (Malaysia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that, in conformity with its view that conflicts should be settled amicably through discussion and dialogue, ASEAN had made serious efforts to contribute to the promotion of peace and stability, particularly in the ASEAN region, by adopting a comprehensive approach to regional security and the establishment of a network of various arrangements, mechanisms, agreements and treaties. In addition, it had established dispute settlement mechanisms, thus enabling its members to better appreciate precepts of international law such as the peaceful settlement of disputes and respect for the territorial integrity and sovereignty of States.

2. In connection with the negotiation and drafting of treaties, which were a main source of international law, ASEAN believed that the views of as many countries as possible should be taken into consideration and greater efforts made to reach consensus, particularly on controversial issues, with the aim of rendering the final text more conducive to universal acceptance. As in the past, ASEAN members would continue to participate actively in the progressive development and codification of international law and to seek initiatives to strengthen the United Nations system for the maintenance of international peace and security.

3. Since one of the main objectives of the Decade was to encourage the teaching, study, dissemination and wider appreciation of international law, it was gratifying to note that the United Nations programme established for that purpose had continued to award fellowships financed through voluntary funds. More deserving and qualified people from developing countries should be granted such fellowships.

4. She noted with satisfaction the financial and legal support provided by United Nations institutions to developing nations and nations with economies in transition with a view to facilitating their participation in the negotiation and development of multilateral agreements, thus enhancing general acceptance of and respect for the principles of international law. She was equally pleased to note the on-line version of the United Nations *Treaty Series* and looked forward to further improvement of the United Nations Web sites on international law and related matters. In that connection, she welcomed the proposal to impose a user fee, with the proviso that any such fee should be reasonable and that special consideration, such as free access, should be given to users from developing countries. Since document retrieval from such Web sites was highly efficient, free on-line access for Permanent and Observer Missions, foreign ministries and members of the United Nations family should continue.

5. In conclusion, she thanked the Governments of the Netherlands and the Russian Federation for their initiative in hosting the commemoration of the first International Peace Conference of 1899, as well as her deep appreciation to the Movement of Non-Aligned Countries for initiating the Decade, which had promoted the further development of international law, international cooperation, peace and security.

6. **Mr. Chaturvedi** (India) said that the Charter of the United Nations, the International Court of Justice and the International Law Commission interacted with and reinforced each other in strengthening the foundations of the international legal order. Their respective fiftieth anniversaries, celebrated during the Decade, had provided an opportunity to review and assess their roles and identify the areas in which they needed improvement or strengthening.

7. Providing as it did a forum for the negotiation of important legal instruments, the United Nations played a central role in the development of international law on various subjects with a view to their codification. In this connection, the entry into force of the United Nations Convention on the Law of the Sea was particularly significant, since it represented the first major codification exercise undertaken by the United Nations in which the newly independent developing countries had taken part. Having noted the wide range of multilateral conventions adopted under the auspices of the United Nations during the Decade, he expressed the hope that the Committee's Working Group would soon be in a position to develop a comprehensive universal convention on the suppression of terrorism. The International Court of Justice had also played a very active role during the Decade; among other things, it had given an advisory opinion on the legality of the use of nuclear weapons that was both significant and enlightening and it was currently considering several cases involving other important issues.

8. Lack of expertise, inadequate financial resources and coordination difficulties had adversely affected the effective participation of the developing countries in negotiations conducted at a number of vital international meetings hosted by the United Nations. The negotiation of multilateral treaties was consequently a matter of increasing concern, especially since issues of concern to developing countries were not being given the needed weight and priority. As a result, the goal of achieving a universal international legal framework with wide support from all sections of the international community was becoming more distant. Similarly, not all States were able to provide regular and timely responses with the appropriate seriousness of purpose to the questionnaires circulated concerning the issues before the International Law Commission. Its work was therefore becoming increasingly responsive to the interests and views of a select group of States which were able to coordinate their positions and present them with a certain unity of purpose. Furthermore, the International Court of Justice appeared to be experiencing difficulties in processing the cases before it, its resources having failed to grow in proportion to the significant increase in its caseload.

9. It was essential that Member States should continue to receive free access to the on-line version of the United Nations *Treaty Series* in view of the extremely important role which it played in the dissemination of all treaty-related information. He noted with concern, however, that efforts to update the *Treaty Series* were seriously hampered by the very slow pace of translation. More efficient translation mechanisms, including specific budgetary resources for treaty translation, should therefore be given serious consideration as a means of eliminating the backlog.

10. Lastly, there was now a greater need to identify institutions of excellence and encourage interaction among sufficient numbers of young people with a view to the worldwide promotion and development of expertise in international law. The universal participation of all States in the progressive development and codification of international law was the only guarantee for evolving a just and equitable legal order.

11. **Mr. Hetesy** (Hungary) said he wished to align himself with the statement of the European Union. He also wished to draw attention to various regional and international symposia and conferences on international law topics which had taken place in Hungary too recently to be reflected in the report of the Secretary-General on the Decade (A/54/362). Of particular importance was a symposium on international humanitarian law held in Budapest in September 1999 on the fiftieth anniversary of the Geneva Conventions with the aim of contributing to a worldwide campaign to promote full respect for and effective implementation of international law. Its agenda had been expressly formulated with a view to directly furthering the main purposes of the Decade, while its conclusions both echoed and reinforced the sentiments expressed during the centennial of the first International Peace Conference. The importance of effective measures for the enforcement of international law and the need to make use of existing mechanisms had been recurrent themes of the discussions. The participants had also emphasized that States should ensure the national implementation of international humanitarian law through the adoption of appropriate legislative, administrative and practical measures.

12. In that connection, the Hungarian Parliament was expected to adopt a decision to reissue the four Geneva Conventions in a single document in the near future and a national interministerial commission on humanitarian law had been established as a practical means of ensuring the enhanced implementation of international humanitarian law in Hungary.

13. **Ms. Raguž** (Croatia) said that the numerous activities undertaken by the United Nations, its specialized agencies and Member States during the Decade had been designed to increase public awareness of the role and importance of international law in daily life. The report of the Secretary-General (A/54/362) was an excellent source of information on the results achieved. Her delegation regretted, however, that it had been issued only two working days before the Sixth Committee had been scheduled to consider the item.

14. While the Decade would undoubtedly be remembered for the conclusion of many significant multilateral treaties, its main achievement had been the adoption of the Rome Statute of the International Criminal Court. The Court represented a new stage in the evolution of a new world order which would profoundly influence the conduct of domestic and foreign policy. Enormous progress had been made in the field of international criminal law. On the eve of the next millennium, the international community had come even closer to the ideal of equal justice for all.

15. The Decade had witnessed the creation of a number of new dispute settlement mechanisms, including those established under the auspices of the United Nations Convention on the Law of the Sea and the World Trade Organization. A growing number of States had accepted the optional clause in Article 36, paragraph 2, of the Statute of the International Court of Justice, and the number of cases before the Court had grown to such proportions as to jeopardize the Court's ability to deal with them in a timely fashion.

16. It was regrettable that even during the Decade, some countries had rejected the option of the peaceful settlement of disputes and had resorted to violations of international law, particularly humanitarian law, in order to accomplish their political agendas. In some cases the response of the international community had been commendably swift and decisive. The Decade had witnessed the establishment of ad hoc international tribunals aimed at eradicating the culture of impunity in respect of the most heinous crimes. At the same time, in cases involving extreme violations of international law, in which any delay in responding either would have led to a humanitarian catastrophe or would have devastated international peace and security, immediate international intervention had sometimes been used.

17. Her country was among those which had resorted to the jurisdiction of the International Court of Justice during the Decade: it had sought a judgement regarding breaches of the customary rules of international law, embodied in the Convention on the Prevention and Punishment of the Crime of Genocide, that had been committed by the forces of a neighbouring country in Croatian territory.

18. A number of significant Decade-related events had taken place in her country during the past year. The Diplomatic Academy of the Ministry of Foreign Affairs, together with the Zagreb School of Law and the Croatian International Law Association, had organized national and international seminars, symposia and lectures. Her Government deeply regretted, however, that the visit of officials of the Treaty Section of the Office of Legal Affairs, scheduled for the purpose of exchanging views between United Nations and Croatian legal officers, had not yet taken place. On the other hand, the Ministry of Foreign Affairs had established a database containing information on all the bilateral and multilateral treaties to which her country was a party.

19. Her delegation attached great importance to the policy of providing Internet access to the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series*. The addition of those collections to the United Nations Web site in 1995 and 1997, respectively, had been a fundamental step in the right direction.

20. As indicated in the document A/54/362, demand had now surpassed the Web site's capacity to serve the growing number of users. Additional funding was essential in order to address that issue, improve the site, introduce new features and meet ongoing maintenance costs. The Secretary-General's suggestion that the number of potential subscribers with free access to the United Nations *Treaty Collection* on-line should be kept to a minimum was prudent. Furthermore, fees should be levied upon the widest group of users in order to be economically feasible.

21. Her delegation attached particular importance to the project undertaken by the Treaty Section to clear the historical backlog by 2001. Those efforts would be in vain, however, so long as the Treaty Section continued to be hampered by the lack of efficient translation mechanisms. In view of the immense workload of the United Nations translation services and the priorities under which they operated, it seemed logical and advisable to allow the Treaty Section to use the financial resources allocated for translation purposes outside the United Nations system.

22. **Mr. Dos Santos** (Mozambique) said it was necessary to take stock of what had been achieved during the Decade in order to prepare for the challenges ahead. Many important conventions had been adopted, including a number of conventions regulating specific areas of international environmental law adopted in compliance with the guiding principles contained in the Rio Declaration on Environment and Development. Another major achievement had been the entry into force of the United Nations Convention on the Law of the Sea in 1994. Moreover, the subsequent establishment and effective functioning of related organs such as the International Tribunal for the Law of the Sea constituted an additional and specialized forum for the peaceful settlement of disputes in parallel with the International Court of Justice. Both institutions should be provided with adequate resources in order to ensure their efficient functioning. The Office of Legal Affairs deserved special commendation for its continued efforts in such areas as implementing the programme of activities for the Decade and launching the electronic database for the United Nations *Treaty Series*. He also commended the contribution made by some Member States to the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and thanked all those organizations which had organized related symposia, seminars and meetings.

23. Mozambique respected and applied the principles of international law embodied in the Charter of the United Nations and the Charter of the Organization of African Unity. It had participated actively in many international forums at the subregional, regional and international levels at which important treaties had been adopted. During the Decade Mozambique had ratified several international instruments, including the Convention on the Law of the Sea, the Convention on Biological Diversity, the Ottawa Convention on Landmines and many drug-related agreements.

24. In 1998 the Legal Department of the Ministry of Foreign Affairs and Cooperation of Mozambique had organized a seminar on the role of international law in Mozambique. In May 1999 Mozambique had hosted the first meeting of States parties to the Ottawa Convention on Landmines.

25. At the subregional level, Mozambique had hosted the 1999 Summit of Heads of State and Government of the Southern African Development Community, which had adopted regional legal instruments on wildlife conservation and law enforcement. The participants had also noted the entry into force of the Charter of the Regional Tourism Organization of Southern Africa and of regional protocols on shared watercourse systems, energy, transport, communications, meteorology and illicit drug trafficking.

26. In a world in which rapid globalization made cooperation among nations an imperative, and war and violence continued to claim lives and cause social and economic havoc, the purposes of the Decade remained as valid as they had been 10 years earlier. All peace-loving nations must remain committed to the goals of the Decade in order to build a world guided by the rule of law and free of violence and poverty.

27. **Mr. Chaudhary** (Nepal) said that in the concluding year of the Decade, he was pleased to note that the Decade had been largely successful in meeting the goals set by the General Assembly in resolution 44/23. The many significant international legal instruments adopted during the Decade in the areas of human rights, disarmament, the environment, security and, most importantly, the Rome Statute of the International Criminal Court were important building blocks in the construction of a world capable of dealing with issues threatening international peace and security and ending a culture of impunity.

28. Nepal fully supported the objectives of the Decade and had worked actively to make it a success. During the Decade, Nepal had signed and ratified a number of international treaties and conventions dealing with human rights. It had also ratified the Convention on the Law of the Sea and the convention on chemical weapons and signed the Comprehensive Nuclear-Test-Ban Treaty, the Nuclear Non-Proliferation Treaty and the International Convention for the Suppression of Terrorist Bombings.

29. However, the codification of international law would achieve little without real compliance. Nepal was in the process of harmonizing its national legislation with the provisions of international treaties and conventions. With a view to their wider dissemination in the country, the Government had undertaken the translation of those instruments into the national language. Commitment to human rights was firmly rooted in the national constitution and occupied a central place in the policy of the Government of Nepal. In that light, his delegation particularly welcomed the completion of the draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

30. His delegation also supported the draft resolution requesting the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to intensify its work with a view to completing the draft convention in the year 2000.

31. **Ms. Ramoutar** (Trinidad and Tobago) said it was worth recalling that observance of the Decade had originally been an initiative of the Non-Aligned Movement aimed at promoting acceptance of the principles of international law and peaceful settlement of disputes.

32. The Secretary-General's very comprehensive report (A/54/362) had shown that States had made commendable efforts to make international law more relevant and accessible to their peoples. The international community had organized a host of activities to disseminate information. A large number of conventions had been adopted in areas such as criminal law, the environment, the law of the sea, disarmament, terrorism, human rights and trade. New institutions of enforcement had been established.

33. However, adopting conventions was only the first step. States needed to summon the political will to ratify or accede to the conventions and agreements which had still not entered into force. Beyond that, they must show willingness to adhere to the legal commitments they had entered into.

34. One of the most significant achievements of the Decade, in the view of her delegation, was the adoption of the Rome Statute of the International Criminal Court. Trinidad and Tobago had ratified the statute on 6 April 1999 and had been working to encourage the other States of the Caribbean Community (CARICOM) to do the same. At the regional level, the Organization of American States had had noteworthy successes in the area of treaty-making. At the subregional level, an agreement establishing the Caribbean Court of Justice, to be located in Port of Spain, had been approved by the CARICOM Heads of Government and should be opened for signature early in 2000. It would be a court of original and appellate jurisdiction with respect to the interpretation and application of the Treaty Establishing the Caribbean Community.

35. With respect to the peaceful settlement of disputes, Trinidad and Tobago recognized the important role played

by the International Court of Justice in ensuring the rule of law. Her delegation was encouraged that States, and especially developing countries, were resorting more frequently to the jurisdiction of the Court, but was concerned that the resources with which the Court was functioning were inadequate to the increased workload. Her delegation hoped that appropriate measures would be taken by the Advisory Committee on Administrative Budgetary Questions and the Fifth Committee and commended the members of the Court for their efforts to achieve greater efficiency.

36. Her delegation was pleased that the new International Tribunal for the Law of the Sea had already begun to hear cases. During the Decade, the International Law Commission had also done much valuable work in codifying international law. Many developing countries, including Trinidad and Tobago, had benefited from the seminars, courses and fellowship programmes organized under the auspices of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Her delegation wished to express appreciation to the States which had contributed voluntary funds to those programmes.

37. The Office of Legal Affairs was to be commended for its role in implementing the objectives of the Decade. Developments in the establishment of the electronic United Nations *Treaty Series* and an on-line library of international law would help to make international law more accessible to Member States, institutions, universities and students.

38. Her delegation wished to thank the Governments of the Netherlands and the Russian Federation for hosting the events commemorating the centennial of the first International Peace Conference and was particularly grateful that the reports, comments and speeches had been made available on the Internet.

39. In assessing the achievements of the Decade and recognizing what remained to be done, the States should undertake to make international law a more tangible reality in the lives of their citizens.

40. **Mr. Edmond** (Haiti) said that his delegation wished to congratulate the Governments of the Netherlands and the Russian Federation on the great success of the events held to commemorate the centennial of the first International Peace Conference, events which had made a significant contribution to the ongoing efforts of the international community to strengthen, disseminate and promote international law.

41. The decision of the United Nations to launch the Decade just when the cold war was ending demonstrated the commitment of Member States to build an interdependent world based on the rule of law. Unfortunately, the Decade had also been marked by new activities. Those acts of violence had increased the determination to put an end to the impunity of perpetrators of crimes against humanity, and that determination had led to the establishment of international tribunals to punish those responsible for atrocities and to the adoption of the Rome Statute of the International Criminal Court. The Decade had also seen much progress in the codification of other aspects of international law. Appropriate means of peaceful settlement of dispute existed; if they were ineffective, it was due to the lack of a political will to utilize them.

42. The international community must recognize the need for immediate responses to horrifying events. Too often the Security Council delayed in dealing with an urgent situation. There was a need to develop a new mechanism for the rapid deployment of a security presence in the event of a crisis. Usable instruments of international law existed, but on occasion the very nations that had created them chose to ignore them for their own ends. The problem, then, lay not in international law as such but in the lack of political will to prevent or respond to tragedies like those in Rwanda and Kosovo and to punish the authors of atrocities. There could well be more tragedies if the international community did not start to insist on the strict application of the principles of international law.

43. **Mr. Korzachenko** (Ukraine) said that the Decade had been highly instrumental in further advancing the international legal system and enhancing its effectiveness. He wished to thank the delegations of the Netherlands and the Russian Federation for their report on the conclusions emerging from the centennial events held in commemoration of the first International Peace Conference (A/54/381) on the topics of peaceful settlement of international disputes, development of international humanitarian law and disarmament. Those conclusions deserved to be implemented on a priority basis.

44. His delegation was pleased to note the growing recourse by States to means of peaceful settlement of disputes, as evidenced by the increased caseload of the International Court of Justice, the commencement of the work of the International Tribunal for the Law of the Sea and the creation of a number of regional judicial organs.

45. The adoption of the Rome Statute of the International Criminal Court had not only been the main development in the field of international humanitarian law in the past decade but was also a major component of the future system of international security. Compliance with existing

humanitarian law could now take priority over the formulation of new laws in that domain.

46. His delegation concurred with the idea expressed during the centennial events that disarmament and arms control efforts were fragmentary. The absence of a comprehensive approach had led to a number of setbacks in disarmament and the resumption of the arms race in several regions. Real and effective disarmament and non-proliferation would not be possible if they were pursued independently without relation to other aspects of global detente. They should be part of a wider system of instruments for the maintenance of international peace and security. There was a need to start the process of elaborating legally binding international security guarantees for States that had renounced nuclear weapons.

47. His delegation commended the Office of Legal Affairs on its continuous efforts to facilitate access to information on United Nations activities in the field of international law, particularly through more active use of electronic media. The United Nations Web site on international law, and particularly the treaty database, should be further developed.

48. **Mr. Al-Adhami** (Iraq) said that the report on the conclusions of the centennial of the first International Peace Conference (A/54/381) constituted an important foundation for follow-up action on the themes discussed. The 1990s had been significant years for the development and codification of international law, which embodied a set of important principles that were none the less meaningless unless all States, without exception, complied with them. It was therefore truly regrettable that violations of such principles continued to occur, as in the imposition of the aerial exclusion zones in northern and southern Iraq by two permanent members of the Security Council, the continuing military attacks on Iraq and the interference in its internal affairs. Such examples revealed the extent of those violations, particularly bearing in mind the responsibility conferred upon the Security Council for the maintenance of international peace and security. The matter constituted a serious issue which should become a major focus of concern with a view to guaranteeing respect for the principles of international law by all States, without distinction.

49. **Mr. Lavalle** (Guatemala) said that his delegation would like to be able to contribute significantly to an evaluation of the achievements of the Decade. For the time being, however, such a task was beyond its powers. His statement should not, however, be construed as implying anything negative. His delegation was convinced that if it had the time and the means to make such an assessment, its conclusions would be totally positive.

50. The information provided in document A/54/362 made it possible to appreciate the magnitude of what had been undertaken in the field of international law. In and of itself, the provision of such information was an extremely positive development. His delegation associated itself with the comments made by Hungary in that connection.

51. The time-frame for the Decade had been chosen correctly. The fact that the closing of the Decade coincided with the centennial of the first International Peace Conference was fraught with symbolism. The 1899 Conference had marked the beginning of the institutionalization of at least one aspect of international relations, that relating to the peaceful settlement of disputes. It was entirely appropriate and commendable that the two States which had sponsored the 1999 Centennial should be the same ones that had sponsored the 1899 Conference.

52. His delegation noted with satisfaction that the reports presented at the Centennial conferences were already on the Internet and would be published shortly. That would round out the publication of the proceedings of the United Nations Congress on Public International Law, held in 1995.

53. His delegation had, with the support of the Costa Rican delegation, submitted to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization a proposal aimed at giving intergovernmental organizations access to the International Court of Justice. It noted with satisfaction the statement in paragraph 99 of document A/54/381, which confirmed its view that the two delegations' efforts would one day bear fruit.

54. With regard to internal armed conflicts, paragraph 76 of document A/54/381 contained noteworthy observations and recommendations concerning the need to enhance the protection afforded to those not taking part in hostilities.

55. While disarmament issues did not fall within the Committee's mandate, his delegation was discouraged by the view expressed in paragraph 37 of the report that the universal application of international law in disarmament matters did not play the role it perhaps should. Furthermore, the reference in paragraph 44 to the need for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty appeared to be sadly ironic in the light of the recent setback.

56. One aspect of the Decade that was particularly difficult to evaluate was the contribution that the Decade had made to enhancing the knowledge and appreciation of international law on the part of those who were not lawyers or legal scholars. It was to be hoped that the Decade had, by promoting the teaching of international law at the secondary

level, increased the understanding on the part of lay people of the importance and respect that should be accorded to international law.

57. **Mr. Traore** (Burkina Faso) said that his country largely owed its existence and its rights and obligations as a sovereign State to international law; it therefore supported the realization of the themes referred to in the programme of activities for the Decade.

58. As a matter of principle, his country became a party to all legal instruments conducive to an improved international order, peace, cooperation, development and the protection of the environment and human rights. His Government's attachment to international law and its principles symbolized its support for a world of peace, its rejection of diktats and its adherence to the principle of sovereignty.

59. Paradoxically, during a decade supposedly devoted to respect for international law, far too many abuses had occurred, including violations of peace, unlawful reprisals, ambivalent attitudes on the part of the United Nations depending on the conflict zone in question, and a policy on the part of certain States of imposing a fait accompli. His delegation hoped that in the next millennium, international law would be less marked by the exercise of power, more firmly based on principles of equity and justice, unbiased, and based on treaty law.

60. His country, like most African States, had emerged from colonialism to find itself confronted by a pre-existing body of international law. It had therefore played no role in the elaboration of either the principles and basic rules of that law or of the Charter of the United Nations. His Government consequently hoped in the future to be involved in the elaboration of treaties and to benefit from the application of established rules, based on the sovereignty, equality and independence of States. His Government was in favour of an international order in which the strong could not dictate to the weak.

61. **Mr. Mowla** (Bangladesh) said that the Decade had seen advances in the acceptance of and respect for the principles of international law. A welcome debate was taking place on the scope of humanitarian law. Initiatives had been taken to respond to grave violations of human rights and to end impunity for crimes against humanity and other serious crimes.

62. The highlight of the Decade had undoubtedly been the adoption of the Rome Statute of the International Criminal Court. His Government was pleased to be a signatory of the Statute and hoped that it received the support and participation of all States.

63. During the past decade States had increasingly recognized their willingness to adhere to the peaceful settlement of disputes. Sadly, however, violence continued in many parts of the world, and the increase in civilian casualties made it clear that further work was needed.

64. International law had been strengthened through the codification of treaties in various areas, as detailed in document A/54/362. Those efforts should be sustained in the future. One area of focus in that regard should be the adoption of regional instruments. A regional response could prove useful in battling organized crime, terrorism, drug trafficking, small arms proliferation and trafficking in women and children, and in promoting the development of human rights. The South Asian Association for Regional Cooperation had taken initiatives in that regard through the adoption of conventions on the prevention of terrorism and trafficking in women and children.

65. Thanks to the efforts of the United Nations and other organizations, there was now a heightened awareness of international law. Unfortunately, that awareness, was far from uniform all over the world. Millions of citizens of the developing world were unable to read or write, which made a mockery of the achievements on which the international community prided itself.

66. Although the Decade was drawing to a close, the Hague Agenda for Peace and Justice for the Twenty-first Century (A/54/98) provided many useful recommendations for furthering its objectives. The Conference held in May 1999 had been a unique move to mobilize Governments and civil society for a "new diplomacy", aimed at abolishing war and conflict, strengthening international law and institutions, encouraging the peaceful settlement of disputes and promoting a culture of peace.

67. Following the Hague Peace Conference, his delegation had circulated the 50-point Agenda to Heads of State and Government, and had also requested the United Nations to issue the Appeal as a document. His Government had signed the Rome Statute of the International Criminal Court. In September it had hosted the first Asian Parliamentarians Conference for Peace and Cooperation. The parliamentarians had decided to establish institutional mechanisms to follow up their work at the Conference.

68. His Government welcomed the recommendations of the 1999 centennial of the First International Peace Conference of 1899, contained in document A/54/381, and expressed appreciation to the Governments of the

Netherlands and the Russian Federation for organizing the centennial events.

69. **Mr. Rocha** (Bolivia) welcomed the report of the Secretary-General on the Decade (A/54/362) and expressed appreciation to the Governments of the Netherlands and the Russian Federation for the report on the 1999 centennial of the first International Peace Conference of 1899 (A/54/381).

70. His delegation fully endorsed the statement made by Mexico on behalf of the Rio Group. His Government, which had profound respect for the principles and norms of international law, had signed a number of international legal instruments and had held seminars on various draft international, regional and subregional conventions. It had introduced fundamental reforms into its human rights legislation. On the occasion of the fiftieth anniversary of the adoption of the four Geneva Conventions, his Government had established a permanent national commission on human rights to apply international humanitarian law. It was also considering the establishment of a national commission on international law to study ways of implementing the objectives of the Decade.

71. Bolivia had signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

72. **Mr. Hoffmann** (South Africa) said that his delegation had been one of the "Friends of 1999" and had participated in the celebration centennial of the first International Peace Conference, which had also been commemorated at a seminar in Pretoria in 1999. Members of the Southern African Development Community, among others, had participated in the seminar, during which several themes had recurred. One was that despite the lofty aims expressed in 1899 the twentieth century had been characterized by war and suffering. The second was that, even if the stated ideals had not been realized, they continued to be relevant for the third millennium. Thirdly, the aspirations of the first Conference should be understood in the context of its time and place: it had been largely confined to European nations. The Pretoria seminar had thus been informed by the need to re-evaluate the aims of the 1899 Conference in the light of the specific needs of the African continent, and particularly of the southern African region.

73. The aim at the first Conference of alleviating the burden of armaments could not be said to have been attained, but to call the Conference a failure in that respect would be an oversimplification. It had in fact laid the foundations for legal instruments on disarmament and non-proliferation, many of which had been developed during the ensuing century. Despite the passing of the threat of the cold war, however, there could be only cautious optimism regarding further progress in realizing the aspirations of the first Conference. Current discussions on disarmament were characterized by a lack of vision and there was difficulty in getting States to agree even on talks about talks. A renewed commitment to disarmament was needed and the centennial celebrations could play an important role in reminding States why the process should be taken to fruition.

74. It had been emphasized at the Pretoria seminar that it would be unwise to be over-optimistic regarding the post-cold-war world. The occurrence or threat of conflict in smaller nations had not decreased. The potential use of nuclear weapons or weapons of mass destruction remained an ever-present threat, and small arms constituted a real danger. The majority of wars were currently fought with small arms, the use and proliferation of which posed a grave threat to peace, particularly on the African continent. The small arms proliferation in the southern African region was a product both of the past and of current demands, for specific security or criminal purposes. The most effective means of reducing and regulating such arms would be through regional cooperation, for which there was fortunately growing support in the southern African region. The region had several structures for consultation already in place and the challenge would be to make them operational and effective in both the short and the long term.

75. Some of the most fundamental principles for regulating conduct during war had been established in 1899. One of the major weaknesses of the first Conference, however, was that it had not addressed the laws or principles relating to internal armed conflict. That had been left to the Geneva Conventions and even they did not go far enough: the fact that Protocol II to the Geneva Conventions left the interpretation of the definition of an internal conflict to the States involved had generated much discussion at the Pretoria seminar. States were frequently reluctant to concede that a state of conflict existed, with the result that combatants were categorized as transgressors and criminal terrorists, which was contrary to international humanitarian law.

76. It was essential to ensure that humanitarian law was relevant to the new century and to the African continent. The southern African region in particular had been subject to internal conflicts resulting in untold suffering and loss of life and property. Their legacy could not be easily erased, but at least lessons could be learned. The rules of international humanitarian law should also be subject to constant revision, in the sense not of making new laws but of ensuring compliance with existing ones. States should work to instil a culture of compliance, in particular by training soldiers in

humanitarian law. The process begun at the first Conference of codifying the laws of war had made those laws more certain and accessible. States should continue that tradition by adding substance to their laws and making them more accessible. In that context, he drew attention to the advisory services of the International Committee of the Red Cross in promoting and disseminating humanitarian law, which should be actively utilized by States.

77. While acknowledging the importance of the mechanisms for the peaceful settlement of disputes, the seminar had focused on ways of renewing the pre-emptive role of dispute resolution in conflicts, particularly in the southern African region. Some speakers had felt little optimism regarding the role of the International Court of Justice in that regard, since some States showed a propensity for ignoring the Court. It would therefore be desirable to amend the Charter of the United Nations and reform the Security Council. There had also been agreement that regionalism could be a driving force in dispute resolution and that the African continent as a whole should rise to the challenge.

78. The first International Peace Conference had been guided by a humanitarian approach to war. Its spirit could therefore guide the world into the third millennium. Some of its aims, however, had subsequently been misinterpreted and all too often might was assumed to be right. To reverse that trend, cooperation was essential. There must be the political will to view peace as not only a regional but also an international objective.

79. **Mr. Zhadanovich** (Belarus) said that, while the measures taken in connection with the Decade largely strengthened the role of international law and the regulation of international relations, the international community was right to focus on practical questions of implementation, as his delegation had urged at previous sessions.

80. Belarus had undertaken a number of activities in connection with the Decade, notably through its accession to 111 multilateral instruments relating to various aspects of international cooperation. They included the Berne Convention for the Protection of Literary and Artistic Works, the International Labour Organization Abolition of Forced Labour Convention, 1957 (No. 105), the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, among others. The Government would continue its policy of acceding to multilateral treaties.

81. The Decade had coincided with the establishment of Belarus as a sovereign independent State. From the outset, Belarus had expressed its intention of building relations with other States on the basis of equality and justice in accordance with the principles of international law, the supremacy of which should be acknowledged. In the interests of international peace and security, there should be full acknowledgement of the need for sovereign equality between States, non-interference in internal affairs, avoidance of the use or threat of force, and the peaceful settlement of international disputes. A notable event had been the adoption of the 1994 Belarus Constitution, which had established the primacy of international law and the need to enact legislation in accordance with its principles. He called on all States to act in accordance with international law, above all the Charter of the United Nations.

82. The range of higher educational establishments in which international law was taught had been expanded. Priority had been given to State universities, where faculties of international relations and departments of international law had been established. A number of private higher educational institutions with faculties of law — and sometimes international law — had also been set up.

83. The celebration of the centennial of the first International Peace Conference had been a significant event, not least in that it had defined the future direction for the progressive development and codification of international legal norms. His delegation stressed the importance of the principle of the peaceful settlement of disputes in strengthening the international legal system and international relations. It supported the move to develop and adopt a new text on the peaceful settlement of international disputes, taking into account the realities of the current world order, since that would be the logical next step following the existing treaties. A new instrument was essential, given the changes which had taken place over past decades as a result of the greater economic and political interdependence between States and the inevitable emergence of various conflicts.

84. **Mr. Rao** (Observer for the World Intellectual Property Organization (WIPO)) said that the objectives of the Decade were close to the nature and functions of WIPO, which was not only the international secretariat for existing treaty bodies relating to intellectual property but was also unique in that it provided direct access to private innovators and industry for the registration of patents, trademarks and industrial designs for the purpose of international recognition. There were currently 22 treaties under the jurisdiction of WIPO and new legal instruments were being developed in response to scientific and technological

developments. For example, the 1996 WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty updated the existing law, adapting it to the digital age. WIPO also proposed further harmonization of international patent law, taking into account the practices in Member States. To that end it had scheduled a diplomatic conference on the proposed Patent Law Treaty in 2000. Together with the Patent Cooperation Treaty of 1970, the new treaty should provide an integrated and user-friendly system of patent law and procedure. Such harmonization had been achieved also by the adoption of the New Act of the Hague Agreement concerning the International Deposit of Industrial Designs in June 1999. WIPO was also studying the issue of protecting expressions of folklore and indigenous and traditional knowledge. Its role in the progressive development and codification of international law in the field of intellectual property was therefore obvious.

85. WIPO ran training programmes on intellectual property law in developing countries. Following the establishment of the World Trade Organization (WTO), WIPO and WTO had entered into an agreement, which had come into force in 1996, under which WIPO continued to render legal and technical assistance to developing countries with regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights. In addition, WIPO had established a specific institutional mechanism, the Worldwide Academy, which was dedicated to optimizing the use of intellectual property systems by enhancing human resources development programmes at the national and regional levels. WIPO had assisted in the preparation of 136 draft laws on intellectual property. A total of 129 developing and least developed countries and one territory had benefited from its cooperation activities. WIPO also published a monthly periodical entitled *Intellectual Property and Treaties*, with two legislative inserts, *Industrial Property Laws and Treaties* and *Copyright and Neighbouring Rights Laws and Treaties*. In addition, it made its electronic collection of intellectual property laws and treaties available on the Internet.

86. Recognizing the need for quick and inexpensive ways of settling commercial disputes involving intellectual property rights, WIPO had established an Arbitration and Mediation Centre, which could call on more than 800 mediators or arbitrators from over 70 countries.

87. Noting that several paragraphs of the Secretary-General's report (A/54/362) contained information provided by WIPO, he drew attention to the fact that the Internet Corporation for Assigned Names and Numbers, mentioned in paragraph 65, had already met and adopted most of the recommendations made by WIPO to protect owners of intellectual property on the Internet. The conferences mentioned in paragraphs 103 and 104 had duly taken place.

The meeting rose at 5.50 p.m.

United Nations A/C.6/54/SR.11

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Summary record of the 11th meeting
Held at Headquarters, New York, on Wednesday, 20 October 1999, at 10 a.m.

Chairman: Mr. Mochochoko ..... (Lesotho)

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Agenda item 158: Establishment of an international criminal court

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99-81764 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 158: Establishment of an international criminal court (A/54/98, PCNICC/1999/L.3/Rev.1 and L.4/Rev.1)

1. **Mr. Corell** (Under-Secretary-General for Legal Affairs, The Legal Counsel) said that, pursuant to paragraphs 4 and 5 of General Assembly resolution 53/105, the Preparatory Commission for the International Criminal Court had met in 1999 from 16 to 26 February and from 26 July to 13 August and would meet from 29 November to 17 December. The Secretary-General had been asked to make available secretariat services. Under the terms of paragraph 2 of resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Secretary-General had invited to participate in the Commission representatives of States which had signed the Final Act of the Rome Conference and of other States which had been invited to participate in the Conference. Pursuant to paragraph 6 of General Assembly resolution 53/105, the Secretary-General had also invited as observers to the Preparatory Commission representatives of organizations and other entities that had received a standing invitation from the General Assembly to participate in the capacity of observers in its sessions and work and also representatives of interested regional, intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and Rwanda. Pursuant to paragraph 7 of the same resolution, various non-governmental organizations had participated in the plenary Commission and other open Commission meetings.

2. He was glad to report that, notwithstanding financial constraints, the Secretariat had been able to provide the required services for the two sessions of the Preparatory Commission in February and July and was prepared to do so again during the forthcoming November-December session. Those services had included assistance to the Commission and its Bureau, as well as interpretation services and translation and reproduction of various working papers prepared by delegations and documents prepared by coordinators and the Commission. Documents PCNICC/1999/L.3/Rev.1 and L.4/Rev.1, which were available in all the official languages, detailed the proceedings of the first two sessions of the Preparatory Commission.

3. Pursuant to paragraphs 8 and 9 of resolution 53/105, the Secretary-General had expanded the mandate of the trust funds established by General Assembly resolutions 51/207 and 52/160. The trust funds currently sought to f participation of the least developed and other countries in the work of the Preparatory C Through a circular letter, the Secretary-General to the attention of States the paragraphs indica requested States interested in making financial c to either of the trust funds to contact the Legal C new contributions had been received. Nonethele for the least developed countries had continue assistance on the basis of contributions made Rome Conference and had financed the travel of delegates who had attended the first two ses Preparatory Commission. The Secretariat wa processing 21 requests for assistance for delegate developed countries who wished to attend the November-December session. No contributio received for the trust fund relating to other countries.

4. **The Chairman** invited Mr. Kirsch Chairman of the Preparatory Commissio International Criminal Court, to make a statem

5. **Mr. Kirsch** (Canada), Chairman of the Commission for the International Criminal Co the Preparatory Commission had met twice in total of five weeks and that its next session wo 29 November. It had organized its work plan in with the mandate and deadlines set out in resolut Plenipotentiary Conference, and delegations meetings between sessions. He singled out fo meeting sponsored by the Government of Fra with victims' access to the International Crimi meeting hosted by the International Institute Studies in Criminal Sciences on the subject procedure and evidence, the Intergovernment Caribbean Conference for the signature and ra the Rome Statute, hosted by the Government of T Tobago and the No Peace without Justice Four two briefing sessions on ratification and im legislation of the Rome Statute, hosted by the I Human Rights Law Institute of DePaul Uni Parliamentarians for Global Action.

6. At its first two sessions the Preparatory C had made considerable progress in the prepar Elements of Crime and the Rules of Procedure an In addition, it had decided to establish a workin the important question of the crime of Delegations had been conducting consultations w to the preparation of other instruments and issue Commission's mandate.

7. The Preparatory Commission had expected to complete its work by the end of its third session, in December 1999. Despite the tireless efforts of all the participants, however, a great deal of work remained to be done. The Preparatory Commission had to complete the drafting of the Rules of Procedure and Evidence and the Elements of Crime and to review those instruments. Accordingly, the Bureau of the Commission had concluded that, in order for the Commission to complete its work, it would need to hold two more sessions prior to 30 June 2000. At a later stage, the Preparatory Commission would have to draft the other instruments listed in resolution F and to attend to other issues within its mandate, including that set out in resolution 53/105. The Bureau considered that one additional session should be scheduled before the end of the year 2000. It was of the utmost importance that the Preparatory Commission should continue its work systematically beyond June 2000 for the purpose of addressing questions such as the crime of aggression and completing its mandate.

8. Although the working atmosphere had been excellent, the Preparatory Commission could and should improve its effectiveness. Insistence on points that were not fundamentally important but were of a technical nature had slowed down the proceedings. In future sessions delegations needed to show flexibility if timely progress was to be made.

9. Some important issues remained to be resolved. Some related to the draft instruments under consideration and others were broader in nature, such as the request of the General Assembly that ways to enhance the effectiveness and acceptance of the Court should be discussed. He expressed the hope that all delegations would keep in mind the overall objective of establishing an international criminal court which worked fairly and effectively and was widely supported.

10. He expressed his appreciation for the contributions to the trust fund established pursuant to paragraph 8 of General Assembly resolution 53/105 and the support of the International Human Rights Law Institute of DePaul University. He stressed the importance of participation by as many States as possible in the preparation of the necessary instruments for the operation of the Court.

11. **Ms. Rasi** (Finland), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland, said that in the Security Council debates during the past few weeks on the protection of children and civilians in armed conflict, and in the general debate of the General Assembly at its fifty-fourth session, the early establishment of the International Criminal Court had been forcefully called for. Recent events had again highlighted the urgent need to enhance respect for and implementation of international humanitarian law and human rights.

12. The International Criminal Court would be a new and powerful tool to combat and deter the most serious crimes of concern to the international community and would thereby help to create a climate of compliance with the fundamental international rules that protected human life and dignity. The provisions of the Rome Statute were clearly relevant to the type of armed conflict which had become increasingly common and in which women, children and the elderly were at greatest risk. The Statute was relevant also to the crimes committed by certain Governments.

13. The Rome Statute recognized that the primary responsibility for ensuring compliance with humanitarian and human rights law lay with States. The International Criminal Court, therefore, could serve as an incentive and a complement to national systems and step in where national systems failed to act. The Rome Statute established a delicate balance between common law and civil law traditions in criminal proceedings. The European Union underlined the importance accorded in the Statute to the rights of the accused, and welcomed the emphasis on the protection of the rights of victims.

14. The European Union was committed to maintaining the integrity of the Rome Statute and to its early entry into force. The International Criminal Court must be effective and credible, and it must operate in close relationship with the United Nations. The European Union welcomed the steady growth in the number of signatories to the Rome Statute and urged all States to sign and ratify the Statute as a matter of priority. All the States members of the European Union were signatories to the Rome Statute and were completing the necessary procedures to ratify it, a process which was expected to conclude by the end of the year 2000. Ratification of the Rome Statute and its incorporation into national law was a major and complex process. Towards that end, the European Union was prepared to share its experience and knowledge with interested States. States members of the European Union had already offered financial and technical assistance to other States and had supported a number of other initiatives promoting ratification of the Rome Statute. In that connection, the major contribution by non-governmental organizations should be recognized.

15. The States members of the European Union and the European Commission were committed to advancing international criminal justice, as they had shown by

cooperating closely with and providing assistance to the ad hoc Tribunals for Rwanda and the former Yugoslavia. The International Criminal Court would in the future be able to rely on that same cooperation and assistance.

16. Much had been accomplished at the two sessions of the Preparatory Commission during the current year, but clearly much remained to be done. During the next session of the Preparatory Commission, to be held in November and December 1999, work must be expedited so that the Court's Rules of Procedure and Evidence and the Elements of Crimes could be completed before 30 June 2000. The European Union believed that two sessions of the Preparatory Commission should be scheduled before that date and another before the end of 2000 to discuss the other matters before the Commission, including the definition of the crime of aggression. Also, inter-sessional work should be pursued, given the good results which had been achieved using that system.

17. In the course of just a few years the discussion had gone from debating the feasibility of an international criminal court to building up the technical underpinnings for that institution, a feat which would not have been possible without the extensive participation of all delegations and the cooperation and commitment of a great number of national and international institutions, non-governmental organizations and individuals. Similarly, for the Court to come into operation quickly and effectively, the widest possible support from the international community was needed. In that regard, the European Union would not stint.

18. **Ms. Flores Liera** (Mexico), speaking on behalf of the Rio Group, reaffirmed the Group's support for the establishment of the International Criminal Court. It was encouraging to see that 87 countries had signed the Rome Statute and that 4 had ratified it. It was now necessary for States to finish the process of signing and ratifying the Statute and for the Preparatory Commission to expedite its work, including completion of the Elements of Crimes and the Rules of Procedure and Evidence by June 2000 at the latest. Despite the progress made on those documents, particularly at the session on the Rules of Procedure and Evidence held at the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, and at the Paris seminar on appeals to the Court by victims, the Preparatory Commission would need at least two sessions in the first three months of 2000 to complete them in time.

19. **Mr. Fife** (Norway) said that the adoption of the Rome Statute had been a historic event as the Statute provided for an independent, effective and credible Court and gave it a truly broad base of support. Also, for the first time written rules were available, substantially enhancing the predictability and certainty of international law. The Statute provided also for measures protecting against biased or arbitrary prosecutions and for procedural safeguards such as those for the protection of sensitive military sources. Furthermore, by complementing national judicial systems, the Court would be a safety net in cases where States did not undertake proceedings within their own jurisdictions.

20. However, much remained to be done concerning the Rules of Procedure and Evidence and the Elements of Crimes. It should not be forgotten that the final goal of the Preparatory Commission was the actual establishment of the Court, for which a sufficient number of ratifications was required. In that regard, the major pledge which the Government of Norway would make at the forthcoming International Conference of the Red Cross and Red Crescent would be early ratification of the Rome Statute.

21. **Ms. Álvarez Núñez** (Cuba) said that the instruments being negotiated in the Preparatory Commission were as important as the Rome Statute itself because without them the International Criminal Court would never be able to operate independently and impartially. She reaffirmed that for the Statute to enjoy the greatest possible degree of acceptance it was vital that in the negotiations in the Preparatory Commission account should be taken of the opinions of all States and there should be no repetition of the dubious methods of work used at the Rome Conference because of alleged time constraints.

22. The paramount priority for the Preparatory Commission was to define the crime of aggression. She therefore welcomed the decision to establish a working group for that purpose and the compilation which the Secretariat had made of the various proposals on the subject. In that connection, she suggested that the definition of the crime of aggression and its elements should be tackled first and only then should the conditions in which the Court should exercise its jurisdiction over that crime be discussed. Since the beginning of the twentieth century, a basis of rules and doctrine had been built up which would make it possible to define, legally speaking, the crime of aggression from the point of view of individual criminal liability. That basis lay, primarily, in the Charter of the United Nations, the Statute of the International Military Tribunal at Nuremberg and General Assembly resolution 3314 (XXIX) of 14 December 1974.

23. **Mr. Suh Dae-won** (Republic of Korea) said that the adoption of the Statute of the International Criminal Court represented a giant leap forward in the establishment of

justice and the protection of human rights throughout the world.

24. The work of the Preparatory Commission should be based on three considerations: firstly, it was essential that the Rules of Procedure and Evidence and the Elements of Crimes should fully respect the letter and spirit of the Rome Statute; secondly, those instruments were intended to assist the Court in interpreting and applying the Statute and to enhance its independent and effective functioning; thirdly, the decision to establish a working group on the crime of aggression at the next session of the Preparatory Commission was welcome, since that crime was the gravest of all crimes against international peace and security, as was evidenced by the history of the Republic of Korea, which had experienced it on numerous occasions.

25. However, for the time being it seemed more practical to concentrate on drafting the Rules of Procedure and Evidence and the Elements of Crimes, while proposals were being prepared for the definition and elements of the crime of aggression. The support and cooperation of the international community were essential for the early commencement of the Court's operations.

26. **Mr. Kawamura** (Japan) said that the adoption of the Rome Statute was a historic milestone on the road to the Preparatory Commission's ultimate goal of establishing an effective and credible court that could play a substantial role in the maintenance of international peace and security. However, any optimism would be premature, since the Statute would not enter into force until it had been ratified by 60 countries. Japan was studying it carefully with a view to ratifying the text.

27. With regard to the document on the elements of crimes, in the light of the principle *nullum crimen sine lege*, it was necessary to clarify as far as possible those crimes that were not defined in the Statute; moreover, the Statute should be consistent with the existing laws of armed conflict and, in that regard, it was important seriously to consider the law of naval warfare, which was neglected in the document in question.

28. The Rules of Procedure and Evidence did not pay due attention to the rights of suspects or of the accused, which were after all also fundamental human rights.

29. Once the two documents had been finalized, it would be necessary, as mentioned in resolution F of the Rome Conference, to elaborate another series of documents, such as the detailed financial regulations and rules which would be essential for the proper functioning of the Court.

30. Lastly, the International Criminal Court required the blessing of the international community as a whole and it was therefore necessary to find a formula to enable those States which had not adopted the Statute to join the other States within the actual framework of the Rome Statute, without of course reopening the debate on the Statute.

31. **Ms. Steains** (Australia), speaking on behalf of the countries of the South Pacific Forum (Federated States of Micronesia, Fiji, New Zealand, Papua New Guinea, Samoa, the Solomon Islands, Vanuatu and Australia), said that the adoption of the Rome Statute represented the commitment of the international community to defend the principles of humanitarian law and human rights in a world which would no longer tolerate violations of international law, acts of genocide or war crimes and crimes against humanity. The International Criminal Court would not only bring to justice perpetrators of the worst violations of international law but would also be an incentive to nations to honour the commitments and obligations which they had assumed in that regard.

32. The two sessions held by the Preparatory Commission in 1999 had been productive, but much remained to be done. The Sixth Committee should therefore give priority to the Preparatory Commission's work and give a strong commitment to provide it with the necessary resources. The Preparatory Commission should hold two three-week sessions and a third two-week session. Since resolution F adopted by the Conference of Plenipotentiaries required the Rules of Procedure and Evidence and the Elements of Crimes to be completed by June 2000, the Preparatory Commission should give absolute priority to the completion of that work during its first two sessions.

33. It was gratifying that 88 States had signed the Statute of the International Criminal Court; some members of the South Pacific Forum had not yet done so, but they were seriously studying their internal domestic procedures and legislation to that end. On the other hand, only four States had ratified the Statute. It should be remembered, however, that the Statute was a complex instrument which would require a whole series of legislative changes in order for countries to incorporate its obligations into their domestic law. That was true for many of the South Pacific States.

34. With a view to the ratification of the Statute, the South Pacific countries had to develop a model legislation which could be adapted to individual needs. That type of regional cooperation was still in an embryonic stage, but it would be a practical way of sharing legislative and procedural information, since those countries shared the common law tradition.

35. The adoption of the Statute of the Court represented the international community's recognition of the need to end the culture of impunity, to protect the rights of victims and to deter future perpetrators of such crimes. The most effective way to reinforce that message would be the expeditious completion of the Preparatory Commission's work and the entry into force of the Statute.

36. **Mr. Valdivieso** (Colombia) said that his delegation had participated actively in the two sessions of the Preparatory Commission held in 1999, and welcomed the fact that some of its suggestions had been incorporated in the discussion papers proposed by the coordinators of the two working groups.

37. There were two important matters related to the establishment of the International Criminal Court. The first was the protection of victims and witnesses, their participation in proceedings and reparations to victims. Although the Court had to take into account the interest of the international community in punishing the guilty, the interests of the victims could not be ignored. In that regard, the Court should take into consideration what the victim understood by "reparations". The second matter was the removal of minors from armed conflicts. Children had to be protected from the consequences of war, and the Statute of the Court should therefore in future punish the enlisting in armed forces of children between 15 and 18 years of age, as well as their participation in hostilities. Colombia's armed forces currently did not recruit minors under 18 years of age.

38. The Government of Colombia was determined to abolish impunity in cases of violations of human rights and of the norms of international humanitarian law. To that end, it was promoting a series of legislative initiatives which would enable it to apply the Rome Statute once it had been ratified. Specifically, the Government had urged approval of the new Code of Military Penal Justice, the provisions of which reflected constitutional principles in force since 1991. Under the new Code, the crimes of genocide, torture and forced disappearance would never be tried in military penal courts, by virtue of the principle existing in Colombia that no higher order could exculpate persons guilty of conduct violating human rights. The Code separated the functions of investigation and judgement from that of command, in order to guarantee impartiality and independence in the administration of justice; victims could be civil parties in military trials and were able to submit appeals, request evidence and obtain reparations and, in accordance with the provisions of article 213 of the 1991 Constitution, civilians could not be tried in military penal courts.

39. His Government was also seeking the issuance of a new Criminal Code, which would incorporate crimes against humanity and breaches of international humanitarian law, including enforced disappearance, sexual abuse and rape. It would also criminalize torture, in accordance with international law. In a second stage, the Government would seek ratification of the Statute of the International Criminal Court.

40. His delegation welcomed the decision to establish a working group on the crime of aggression at the next session of the Preparatory Commission and in view of the great difficulty of defining that crime would participate actively in the discussion. It would also continue participating in the Preparatory Commission in a cooperative spirit in order that the instruments on the Rules of Procedure and Evidence and the Elements of Crimes might be completed before June 2000.

41. **Mr. Yengejeh** (Islamic Republic of Iran) said that his country supported the Preparatory Commission in its efforts to comply fully with the mandate conferred on it by the Conference of Plenipotentiaries. According to that mandate, by the end of June 2000 the Commission was supposed to finalize the instruments on the draft Rules of Procedure and Evidence and the Elements of Crimes, and prepare proposals on the crime of aggression and its relationship with the Security Council. Furthermore, the Commission had to prepare a number of other instruments which were necessary in order to enable the Court to begin functioning.

42. In order to facilitate universal adherence to the future Court and guarantee its efficiency, the Preparatory Commission should take into account the concerns expressed by all delegations, but without departing from the spirit and letter of the Statute of the Court. Any attempt to reopen the discussion on specific subtle issues would prolong the negotiations and prevent the Commission from finalizing the instruments on the draft Rules of Procedure and Evidence and the Elements of Crimes within the scheduled time limit.

43. Although the elements of crimes was a new subject for many delegations because those elements did not exist in the criminal codes of their respective States, sufficient progress had been made in the efforts to add clarity and precision to a number of definitions contained in the Statute, such as the definition of war crimes. He expressed appreciation to the authors of the various drafts submitted to the working group, but emphasized that proposals relating to direct or indirect modification of the Statute must be considered by the review conference to be convened in accordance with article 121 of the Statute.

44. The Rules of Procedure and Evidence established a framework for conducting trial and appellate proceedings and ensured the consistency of the Court's decisions and work; they also provided guidance to the parties with regard to the proceedings. Accordingly, the Rules should be drafted very carefully and be flexible enough to permit the judges to exercise discretion when necessary; the working group responsible for their preparation would do well to draw inspiration from the experience of the international criminal tribunals for the former Yugoslavia and Rwanda.

45. He welcomed the decision to establish a working group on the definition of aggression; progress in that regard would promote the ratification of the Statute and hence its universal acceptance. In that regard, General Assembly resolution 3314 (XXIX) of 14 December 1974 should serve as a basis for discussion and for the formulation of the final text. The Preparatory Commission had to provide proposals under which the International Criminal Court would exercise its jurisdiction with regard to that crime, seeking to strike a balance between the responsibilities of the Security Council and the independence of the Court. Moreover, it must be provided clearly that the Court would render judgement independently when acts of aggression were committed, should the Security Council fail to fulfil its mandate within a specific period of time.

46. He expressed the hope that all interested delegations would join in the deliberations on that issue in a spirit of cooperation and help the Commission to fulfil its mandate.

47. **Mr. Ka** (Senegal) said that by adopting the Rome Statute the international community had laid the foundations for the creation of a permanent system of criminal justice based on universally recognized principles and values. His country had always supported, at the highest political level, the establishment of the Court, and in accordance with that commitment had signed the Rome Statute and been the first State to ratify it. However, much remained to be done before the final objective was attained, as was demonstrated by the difficult negotiations in the Preparatory Commission.

48. The International Criminal Court, by virtue of its structure and operating mechanisms, was the result of a formula blending the legal systems of various States which could not have been achieved without an open and pragmatic approach. His delegation reaffirmed the importance of ensuring the victims' participation in the Court's proceedings and the rights of the defence.

49. With regard to the Rules of Procedure and Evidence, his delegation considered that no limitations should be imposed on the judges that might paralyse the functioning of the Court. The judges should be allowed a margin of discretion in analysing the facts and interpreting the rules of law.

50. With regard to the elements of crimes, he welcomed the consensus achieved in the consultations in the Preparatory Commission on the definition of the crime of aggression. It was to be hoped that substantive negotiations on that important issue would begin at the third session of the Commission.

51. His delegation was convinced that, despite the remaining obstacles, great progress had already been made towards the establishment of the International Criminal Court. The historic mandate adopted in Rome was binding on all: there was no alternative but to continue to work.

52. **Mr. Belinga-Eboutou** (Cameroon) said that the adoption of the Statute of the International Criminal Court had awakened great hopes in the States Members of the United Nations. If those hopes were to be realized, all States must adhere to the Statute, so as to protect the innumerable innocent men, women and children whose right to life was threatened by war, dictatorships, religious fundamentalism, nationalism and other acts of violence.

53. The Preparatory Commission had been established to resolve questions relating to the functioning of the Court, in accordance with resolution F adopted by the Conference of Plenipotentiaries. At its first and second sessions, the Commission had dealt with the instruments on the Rules of Procedure and Evidence, and on the Elements of Crimes, and with the definition of the crime of aggression.

54. With regard to the Rules of Procedure and Evidence, he praised the equality of the rules in the papers prepared by the coordinators. In that regard, Cameroon encouraged the Preparatory Commission to prepare rules that would be easy to apply and could be accepted without discussion. Furthermore, the necessary procedural guarantees must be recognized. All of those goals could be achieved if Member States demonstrated genuine political will, which would in turn promote consensus.

55. With regard to the instrument on Elements of Crimes, it was necessary to formulate definitions consistent with the Statute, which struck a delicate balance between various positions, and to take existing humanitarian law into account.

56. The task of defining the crime of aggression was very difficult but not impossible, as evidenced by the proposals arising from General Assembly resolution 3314 (XXIX) of 14 December 1974. His Government's proposal (A/CONF.183/C.1/L.39) would establish the competence of the Court to hear cases involving the crime of aggression,

without prejudice to the powers conferred on the Security Council under Chapter VII of the Charter of the United Nations. His delegation understood that relations between the International Criminal Court and the Security Council should be analysed from the point of view of cooperation and complementarity; the Court would need to rely on the Council to carry out many of its functions, while the Security Council would have to request the intervention of the Court in order to restore justice and peace. The Security Council would see to the responsibility of States and the International Criminal Court would see to the responsibility of physical persons who initiated, planned, prepared, ordered or launched acts of aggression.

57. His delegation wished to emphasize the importance which it attached to the principle of legal security, which was the reason why the provisions concerning trials must be clear and precise, without prejudice to measures designed to punish crimes. On the other hand, the Court's power to interpret must be retained, since it would turn into an automatic sentencing body if the characterization of the crimes was too detailed.

58. In his view, the international community must achieve ratification of the Statute of the Court by all States. He was concerned about allowing States to revise the content of the Statute, since that could delay the ratification process, as some States would be reluctant to ratify a text that was not final. His delegation would therefore like the United Nations Legal Counsel to make the necessary final basic revisions.

59. **Mr. Tarabrin** (Russian Federation) said that his delegation agreed that a permanent international judicial organ should be established to try persons responsible for the most serious crimes. That body would complement the system for the maintenance of international peace and security established under the Charter of the United Nations. In that regard, it should be noted that the process of establishing the International Criminal Court was gaining momentum, as attested by the growing number of States that had affirmed and ratified the Statute as well as by the nature and direction of the activities of the Preparatory Commission.

60. In the view of his Government, which had voted in favour of the Statute along with 119 other States at the Rome Conference, that instrument contained a set of fundamental elements that would allow the future Court to contribute to the realization of the purposes and principles of the Charter of the United Nations. In that regard, the Russian Federation was satisfied with the work of the Preparatory Commission, whose documents reflected the provisions of the Rome Statute. If the Preparatory Commission continued to take that approach, the Statute was sure to be a truly universal instrument on the basis of which the International Criminal Court could do effective work.

61. The definition of the crime of aggression, an issue which the Preparatory Commission would take up during its next session was of primordial importance. That crime consisted of an act of aggression committed by a State which violated international peace and security. According to the Charter of the United Nations, the Security Council had a primary responsibility for the maintenance of international peace and security, and was therefore empowered to determine whether an act of aggression had been committed. Once it was determined that an act of that type had been committed, the International Criminal Court would be called on to intervene. The powers of the Security Council would thus be unimpaired; otherwise there could be unforeseeable consequences.

62. Despite the complicated questions raised during discussions about the Elements of Crimes and the Rules of Procedure and Evidence, the work on the draft documents might well be concluded by June 2000, at the latest. It was extremely important that the Elements of Crimes should be in strict accordance with the Rome Statute and contemporary international law, and should contain no internal contradictions. They would thus constitute an effective instrument of criminal justice. In general, the draft Elements adopted by the Preparatory Commission on first reading seemed to meet those requirements. At the same time, a number of outstanding issues remained, including a definition of the objective aspect of the crimes that would fall within the jurisdiction of the International Criminal Court. The discussion of that issue, which had begun during the second session of the Preparatory Commission, should consequently be continued.

63. The discussion of the Rules of Procedure and Evidence had been productive, and the working groups had made great efforts to advance preparatory work on the relevant drafts. In addition, the members of the Preparatory Commission had endeavoured to ensure that the Rules of Procedure and Evidence maintained an optimal balance between the procedural norms of the major legal systems of the world.

64. The adoption of the Rome Statute and the work subsequently done demonstrated the existence of a consensus among States on the need to establish the International Criminal Court so that the system for the maintenance of international peace and security could function in an effective manner.

65. **Mr. Jacovides** (Cyprus) said that his Government associated itself with the position of the European Union,

and that he would confine his statement to certain aspects of the topic having particular interest. Cyprus, which had been a victim of aggression, military occupation, colonization of the occupied area, and destruction of its cultural heritage by the occupying power, had been one of the first to promote the establishment of international criminal jurisdiction. Within the context of the Code of Crimes against the Peace and Security of Mankind, Cyprus had in the Sixth Committee, the International Law Commission and other forums advocated the establishment of a permanent international criminal court, at a time when that idea had been considered unrealistic or inappropriate. At the Commonwealth Heads of Government Meeting, held in Nicosia in 1993, the President of Cyprus had proposed the establishment of a permanent international criminal court, and had consistently advocated that proposal before the General Assembly. Although Cyprus had favoured a court with more comprehensive jurisdiction and powers, it had signed the Statute of the International Criminal Court adopted at the Rome Conference and intended to ratify it at the earliest possible time.

66. His delegation shared the view that the Preparatory Commission should hold two three-week sessions before 30 June 2000, and should hold subsequent sessions to tackle other items on its agenda, including the definition of the crime of aggression, an essential element of the jurisdiction of the Court.

67. His delegation was prepared to cooperate with all delegations with a view to reaching a common position on the elements of crimes, and endorsed the view of the European Union that the elements of crimes should be elaborated in a manner that fully respected the letter and spirit of the balanced provisions of the Rome Statute.

68. His Government was anxious that the International Criminal Court should be established and fully functional at the earliest possible time, and expressed the hope that it would be possible to secure the support and participation of all States to that end.

The meeting rose at 12.35 p.m.